

ORDINANCE 2017-007
AN ORDINANCE REPEALING AND REPLACING
THE ZONING ORDINANCE AS REFERRED TO IN
TITLE 14, CHAPTER 2 OF THE SOMERVILLE MUNICIPAL CODE

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PART 1
AUTHORITY & APPLICABILITY

SECTIONS

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14-2-101 AUTHORITY – The action of the Town of Somerville, Tennessee in the adoption of this Zoning Ordinance is authorized under the State of Tennessee, Tennessee Code Annotated (“TCA”) 13-7-202.

14-2-102 ZONING ENACTMENT – For the general purposes of promoting the health, safety, and general welfare of the citizens of Somerville, Tennessee, the Town of Somerville Board of Mayor and Aldermen hereby ordains, adopts and enacts this Zoning Ordinance in its entirety which shall be known as the Town of Somerville, Tennessee Zoning Ordinance (“Zoning Ordinance”), and shall be Chapter 2 of Title 14 of the Somerville Municipal Code. This Zoning Ordinance shall apply to all real property lying within the confines of the corporate limits of Somerville, Tennessee, as shown on the current zoning map.

14-2-103 SEVERABILITY – If any portion or provision of this Ordinance is held or adjudicated to be invalid or unenforceable for any reason, each such portion or provision shall be severed from the remaining portions or provisions of this Ordinance, and the remaining portions or provisions shall be unaffected and remain in full force and effect.

14-2-104 TERMINOLOGY – As the context may require in this Ordinance: (1) the singular shall include the plural and vice versa; (2) all pronouns shall mean and include the person or entity to which they relate; (3) the present tense includes the future and vice versa; and (4) the masculine shall include the feminine and vice versa.

14-2-105 AMENDMENTS – The regulations, restrictions, and boundaries set forth in this Zoning Ordinance may from time to time be amended, supplemented, changed, or repealed by the Town of Somerville Board of Mayor and Aldermen. Prior to consideration by the Board of Mayor and Aldermen, the Planning Commission shall consider all proposed amendments and report their opinion on the proposed amendment to the Board of Mayor and Aldermen. Petitions to consider amendments may be submitted to the Planning Commission by any official, board, or any other person with standing in the community. Prior to adopting any amendment, the Town of Somerville Board of Mayor and Aldermen shall hold a public hearing thereon, at least 15 days’ notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the Town, or if at the discretion of the Board of Mayor and Aldermen, the

amendment is too large to allow printing in a newspaper, a copy of the proposed amendment shall be made available to the public at the Somerville City Hall. A fee, as determined appropriate by the Town of Somerville Board of Mayor and Aldermen and payable at the time of filing of any petition or request for amendment consideration, shall be posted with requests to amend a provision or provisions of this Zoning Ordinance. The fee is to be used by the Town to defray costs resulting from such action and any subsequent amendment of the Zoning Ordinance.

14-2-106 DEFINITIONS – Definitions for terms in this Zoning Ordinance that are technical in nature or that otherwise may not reflect a common usage of the term are defined within the Definitions Part of this Zoning Ordinance. Generally, those terms that are specifically defined in the Definitions Part shall be highlighted in *italics* to indicate that a definition specific to this Ordinance is included; however, failure to *italicize* terms shall not be construed to indicate the absence or applicability of said defined terms. Terms not specifically defined in this Zoning Ordinance shall be accorded their commonly accepted meanings. However, notwithstanding the above, interpretations of the definitions and terminology within this Ordinance shall be made by the Town Planner and said interpretations shall be enforceable and final.

14-2-107 PERMIT PROCEDURES

1. Administrative Approval – Single Family Residential Dwellings, Duplexes, their *Accessory Buildings*, and *signs* not requiring inspections, along with any *use* determined to be a *use by right* and which does not result in a change of any existing *building* footprint may be permitted administratively without review by any Board. Administrative Permit Determinations may be appealed to the Board of Zoning Appeals (BZA).
2. Planning Commission Approval - A Permit for any *Use* not eligible for Administrative Determination or Determination by the Board of Zoning Appeals shall be adjudicated by the Planning Commission. Determinations by the Planning Commission may be appealed to the Town of Somerville Board of Mayor and Aldermen.
3. Design Review Commission Approval - A Permit which requires Site Plan approval for any multifamily residential or non-residential *Use* shall not be issued until the Design Review Commission determines such usage falls within the scope and intent of the Design Review Guidelines as defined within this Zoning Ordinance. Determinations by the Design Review Commission may be appealed to the Town of Somerville Board of Mayor and Aldermen.
4. Board of Zoning Appeals Approval - A Permit for any *Use* which is identified as Permissible by Appeal or requiring a Variance or Special Exception shall be adjudicated by the Board of Zoning Appeals. Determinations by the Board of Zoning Appeals are only appealable by a *Writ of Certiorari* to a court of competent jurisdiction.
5. The Town of Somerville Board of Mayor and Aldermen Approval - Any Zoning District change, Planned Unit Development Permit, or Determination Appeals of the Planning Commission or Design Review Commission shall be adjudicated by The Town of Somerville Board of Mayor and Aldermen, whose determinations may be appealed by a *Writ of Certiorari*.

PART 2

BOARD OF ZONING APPEALS - BZA

SECTIONS

14-2-201 Creation & Appointment

14-2-202 Procedure

14-2-203 Parties & Procedure for Appeals

14-2-204 Powers & Duties

14-2-201 CREATION & APPOINTMENT – The Board of Zoning Appeals (“BZA”) is hereby established in accordance with TCA 13-7-205. Members and Officers of the BZA shall be coincidental with the Planning Commission, with members serving concurrently with membership within the Planning Commission.

14-2-202 PROCEDURE – BZA Meetings shall be held at the call of the Chairman, or at other such times as requested by a majority of the membership of the BZA. All meetings and deliberations by the BZA shall be open to the public. The BZA shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record. The BZA shall record statements of reasons for the board’s actions as part of each motion or action, including such findings of fact and statements of material evidence as the board may deem pertinent.

14-2-203 PARTIES & PROCEDURE FOR APPEALS – Appeals to the BZA may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any grant or refusal of a building permit or other act or decision of an administrative official based in whole or part upon the provisions of this Zoning Ordinance. Any entity filing for an appeal with the BZA shall specify the grounds for appeal in writing to the BZA. The BZA shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, parties may appear and be heard in person or by their appointed agent.

14-2-204 POWERS & DUTIES – The BZA is empowered with the authority to make decisions regarding:

1. Special Exceptions – The BZA shall hear and adjudicate special exceptions to the terms of this Zoning Ordinance. Particular care shall be taken to limit permitted businesses to those specifically listed in Table 1; however, it must be recognized that over time, new *uses* or variations of *uses* develop that may not be expressly allowed currently, and when encountered with uncertainty or *uses* without established precedents, the BZA shall make determinations based on the Zoning Ordinance’s general purpose and intent, subject to the principles, standards, rules, conditions and safeguards herein set forth. Additionally, the BZA shall adjudicate *uses* not inherently inconsistent with the intent and purpose of particular zones, but could create special problems or hazards if allowed to develop and locate as a *use by right*. These *uses* are permitted by approval of a Special Exception by the Board of Zoning Appeals (BZA) upon review of the criteria established herein, and upon consideration of numerous factors, such as traffic flow, noise, quality of life issues for adjacent neighborhoods, etc.

2. Administrative Review – The BZA shall hear and adjudicate appeals upon allegation by the appellant that there exists an error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the consideration or enforcement of any provision of the Zoning Ordinance, or for interpretation of specific provisions of the Zoning Map or Zoning Ordinance.
 - A. Variances – The BZA shall hear and adjudicate applications for variance from the terms of the Zoning Ordinance, but only where by reason of exceptional shape of a specific property which at the time of the adoption of this Zoning Ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a specific parcel, the strict application of the provisions of the Zoning Ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of the Zoning Ordinance. Financial disadvantage to the property owner is not to be considered as adequate hardship within the purpose of the Zoning Ordinance. In granting variances, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed *building, structure* or *use* as it may deem advisable in consideration of the purpose of the Zoning Ordinance.

PART 3 DESIGN REVIEW COMMISSION

- 14-2-301 Creation & Appointment
- 14-2-302 Procedure
- 14-2-303 Powers & Duties

14-2-301 CREATION & APPOINTMENT – The Design Review Commission is hereby established in accordance with TCA Section 6-54-133 and the Town of Somerville Board of Mayor and Aldermen Ordinance 09.009 as executed November 9, 2009. Members and Officers of the Design Review Commission shall be coincidental with the Planning Commission, with members serving concurrently with membership within the Planning Commission.

14-2-302 PROCEDURE – Design Review Commission Meetings shall be held at the call of the Chairman, or at other such times as requested by a majority of the membership of the Design Review Commission. All meetings and deliberations by the Design Review Commission shall be open to the public. The Design Review Commission shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record.

14-2-303 POWERS & DUTIES

1. The Design Review Commission shall develop and submit for approval by the Town of Somerville Board of Mayor and Aldermen a set of Design Review Guidelines for the exterior appearance of all nonresidential properties, *multifamily residential* properties,

and nonresidential developments within the Town Limits of Somerville. The Design Review Committee shall be responsible for establishing, amending, and maintaining design regulations which reflect Somerville’s unique character and charm, while remaining consistent with state and local regulations.

2. The Design Review Commission shall be the adjudicating authority for all aspects of Site Plans and *Uses* that pertain to the Design Review Guidelines as defined with this Zoning Ordinance for all *multifamily residential*, nonresidential, or nonresidential development projects as defined within this Zoning Ordinance.

PART 4

DESIGN REVIEW GUIDELINES

SECTIONS

- 14-2-401 Authority & Scope
- 14-2-402 Purpose
- 14-2-403 Architectural
- 14-2-404 Landscaping
- 14-2-405 Screening & Fencing
- 14-2-406 Lighting
- 14-2-407 Signage
- 14-2-408 Miscellaneous

14-2-401 AUTHORITY & SCOPE – In accordance with the Somerville Design Review Commission Bylaws, the hereinbelow Design Review Guidelines (“Guidelines”) will be utilized to enhance the visual appearance and living environment of the Town of Somerville through effective design, landscaping, and control of visual clutter. Adherence and acknowledgement of these Guidelines will be a requirement prior to issuance of building permits for nonresidential properties, *multifamily residential* properties, and nonresidential developments within the Town Limits of Somerville. One and two family detached residences are not affected by these Guidelines. These Guidelines are to be utilized as an associate set of guidelines in addition to and accompanying provisions in the current Zoning Ordinance. In the event that provisions within these Guidelines appear to conflict with provisions in the Zoning Ordinance, or any other similar set of requirements, the more stringent requirements will apply.

14-2-402 PURPOSE – The purpose of the establishment and utilization of these Guidelines is to:

1. Promote qualities in the environment that will sustain economic well-being while maximizing potential for preservation of green space and open space throughout Somerville
2. Foster attractiveness and functional utility resulting in a rural, small town atmosphere where people desire to live, work, and relax
3. Preserve indigenous heritage by maintaining the integrity of discernible characters that contribute to this heritage
4. Safeguard public investment
5. Raise the level of citizen expectations favoring the quality of Somerville’s unique charm

14-2-403 ARCHITECTURAL

1. *Structures* should be compatible or superior to established local character.
2. In most cases, *buildings* are not viewed in isolation, but rather in the context of nearby *buildings* and sites. While architectural style may vary, *buildings* should be compatible with their environment with regard to massing, scale, proportion of openings, roof types, types of glazed openings, and degree of detail.
3. *Building* forms should be tailored to complement the existing or approved manipulations of the topography and site features.
4. *Buildings* should be oriented such that their main entrances are visible from the approach, unless the characteristics of the site result in an unacceptable burden.
5. Where a clearly established development character and scale exists, new infill development should include key design elements of adjoining *buildings* with respect to windows, doors, rhythm of bays, detailing, roof forms, materials, and colors.
6. Exterior colors should be earth tones and compatible with adjacent properties. Subdued, muted colors are preferred; bright colors may be permitted on a limited basis to achieve accent or contrast.
7. *Buildings* should have a defined base and cap.
8. Long, uninterrupted façade planes greater than 50' should be avoided.
9. Window and door openings should have a vertical orientation and should be vertically coordinated between floors.
10. Exterior facades should be composed of brick, rock, tile, plaster, stucco, glass and glazing, or other materials as deemed acceptable and in accordance with established historical contexts.
11. Exterior walls, excluding windows and doors, should be comprised primarily of one material. Complementary secondary materials are recommended to provide detail and scale.
12. The primary architectural treatment will normally be required only on the front of the *building*, with the exceptions of situations where the *building* is situated on an intersection, in which case exposed sides would be included. Sides and rear of *buildings*, as well as any *accessory structures* pertinent to the primary use, should be accentuated with similar materials as previously described if visible from the street. The primary material should extend over a minimum of 50% of the exterior wall.
13. Blank walls facing streets should be avoided.
14. Roof forms should be appropriate to the general design and scale and should be applied to the entire roof. Flat roofs or low-pitched roofs with parapet walls are encouraged for larger *buildings*. Alternative roof forms may be acceptable if deemed appropriate in consideration of a unique architectural style.
15. Roofs that are visible from the street should be finished with colors and features consistent with the architecture of the façade.
16. Rooftop units should be screened from all non-aerial views and should be compatible in color and material with the overall *building* palette.
17. Service or loading areas should be located away from streets, be adequately screened, or appropriately designed as an attractive feature.

18. Prototype or franchise appearances shall reflect these architectural restrictions. National standard designs shall be adapted to complement the local context by careful siting, use of compatible materials, and prudent landscaping to appropriately blend with the neighborhood.

14-2-404 LANDSCAPING

1. Consideration for the use of native drought resistant species is strongly encouraged to reduce the need for aggressive irrigation systems.
2. Large areas of mulch, gravel, or bare soil should be avoided.
3. A minimum of 25% of all sites should be dedicated to vegetated landscape. In certain cases, utilization of permeable pavement and other sustainable tools may be considered as a means of reducing the minimum Landscape Area.
4. Use of groundcover, *shrubs*, and understory *trees* is encouraged as a lower maintenance and higher impact treatment than predominant use of turf.
5. Diseased, dead, or dying vegetation shall be professionally treated, or removed and replaced in accordance with the Site Plan.

14-2-405 SCREENING & FENCING

1. Screening should be utilized to soften transitional areas between land uses, and as nuisance barriers for service and loading areas, dumpsters, material storage areas, utility boxes, etc.
2. Screening may be composed of *shrubs*, *understory trees*, landscaped earthen berms, or constructed fencing.
3. Fences should not exceed 8 feet in height and may be composed of rock, masonry, durable wood, or ornamental metal. In some cases, the use of chain link (dark green or black only), plastic, or wire fencing may be considered.
4. Long, solid fencing should be softened by addition of *shrubs* or *trees* along the fence and turns should be accomplished using curves rather than sharp turns or corners.
5. Screens should not divert or impede natural water flow unless specifically designed for that purpose.

14-2-406 LIGHTING

1. Lighting guidelines do not apply to street lighting which is subject to subsequent ownership by the Town of Somerville.
2. LED lighting is encouraged as an energy and cost saving tool.
3. The lighting plan should complement the surrounding features with minimum adverse impact on adjacent properties and the public realm.
4. Lighting levels should be as level as practical.
5. Light fixtures that cast light downward are preferred.
6. Warm lighting colors are preferred; blue-white color is discouraged.
7. Lighting fixtures should be shielded to reduce glare.
8. Ornamental lighting is strongly encouraged with consistent poles and fixtures throughout a development.
9. Concrete pole bases should not exceed 12 inches in height.

10. Ground-mounted, pedestrian scale lighting and bollards should be considered as an alternate to pole mounted lighting where practical.

14-2-407 SIGNAGE

1. Emphasis of signage should be on identification rather than advertising.
2. Ground level *signs* should be located in consideration of traffic and pedestrian safety, street rights of way and *setback* requirements and should be complemented with the use of groundcover, flowers, *shrubs*, or other landscape or hardscape material to soften the presentation.

14-2-408 MISCELLANEOUS – The Design Review Commission shall review all aspects of the Site Plan and in addition to consideration of the hereinabove described Guidelines, the Design Review Commission shall review proper utilization of parking, buffering, erosion control, storm run-off and any other factors deemed appropriate and in accordance with various provisions within the Somerville Zoning Ordinance.

PART 5 SITE PLAN

SECTIONS

- 14-2-501 Site Plan Requirement
- 14-2-502 Pre-Application Conference Recommended
- 14-2-503 Site Plan Contents
- 14-2-504 Site Plan Submittal & Adjudication
- 14-2-505 Approved Site Plan

14-2-501 SITE PLAN REQUIREMENT – A permit for construction or alteration of any *multifamily residential* or non-residential *use* which results in the change of a building footprint or the *use* of which would require any inspection of any Real Property within the jurisdiction of the Town of Somerville will not be considered until a Site Plan is submitted, reviewed, and approved by the Design Review Commission, the Planning Commission, and/or the Board of Zoning Appeals in conformance with all applicable requirements. Single Family Residential Dwellings, Duplexes, and their *Accessory Buildings*, and *signs* not requiring inspections shall not be required to submit a formal Site Plan; however, a sketch of the projected *Use*, illustrating conformance with all lot standards, shall be required. The applicant may choose to submit application for any other related permits necessary to begin the anticipated project simultaneously, and all permits may proceed concurrently within the various permitting departments. If several permits are concurrently submitted, the various departments will determine if all applications can be considered simultaneously, or if the approval process requires any particular order of consideration.

14-2-502 PRE-APPLICATION CONFERENCE RECOMMENDED – Prior to preparing a Site Plan, a pre-application conference should be held with the Somerville Town Representative, as appointed by the City Administrator, to review design guidelines, preliminary design proposals,

and prepare to customize the Site Plan according to anticipated requirements of appropriate adjudicating authorities. It may also be advisable to conduct a portion of the pre-application conference on site to address specific concerns. In certain cases, the Somerville Town Representative may recommend that some or all portions of the Site Plan be modified, reduced, or not required, depending on the scope of the action considered.

14-2-503 SITE PLAN CONTENTS – The Site Plan must represent the character and objectives of the proposed project to the Design Review Commission and/or the Planning Commission in adequate detail for evaluation of the effects the proposed project would have on the subject property and surrounding area. The Burden of Proof shall rest with the applicant to provide the evidence required to show the Site Plan meets all standards to be assessed by the Design Review Commission and/or Planning Commission. Submitted Site Plans that lack pertinent data will result in unnecessary delays as the applicant makes modifications necessary for adequate review. All plans, architectural drawings, renderings, photographs, reports, or other documents, materials, or visual aids submitted at any point during the application and approval process will become part of the permanent record of any decision and will not be returned, unless special circumstances are deemed appropriate and at the sole discretion of the Design Review Commission and/or the Planning Commission.

The Site Plan should exhibit the following existing conditions:

1. Scale, date, orientation, title of the project, and a vicinity map showing the location of the proposed project
2. Boundaries, dimensions, and acreage of the proposed project, along with identity of the map and parcel number of the subject property and a metes and bounds description of the property or acceptable plat
3. Location and dimensions of roads, easements, utilities, watercourses, drains, 100 year floodplain, and any other pertinent features or information pertaining to the subject property and nearby that should be considered and may be required by the Planning Department Representative
4. A complete census of trees on the affected area showing the location, species, and *Diameter at Breast Height (DBH)* of all trees with a *DBH* \geq 8 inches. In certain cases, a census may be waived or modified, depending on local conditions as determined by the Planning Department Representative

The Site Plan should exhibit the following proposed conditions:

1. The footprint, floor plans, finished floor elevations expressed in feet above mean sea level, location, dimensions, and height of the proposed main and *Accessory Buildings*, their relation to each other and property boundaries, and to any existing *structures* to remain on site. If the property is within or near the 100 year floodplain, the floodplain and/or floodway should be clearly shown on the Site Plan, along with a precise measurement of the foundation and finished floor elevations of all proposed structures and proposed cut or fill area elevations and resulting contours using two foot contour interval representation for any area that could be affected by the floodplain or floodway

2. The ingress, egress, and internal circulation pattern for both vehicular and pedestrian traffic, including the location and dimensions of all existing and proposed streets, drives, paths and walkways, and the location, size, and number of parking spaces and the identification, location, and dimensions of service islands, service parking, and loading zones
3. Complete utilities proposal showing specific needs, locations and dimensions
4. Total project density for residential projects or building floor area by the use intended for commercial and industrial projects
5. Location, dimensions, and calculated area for all landscaping, open areas, and *impermeable surface* areas, including detailed summary of all landscaping materials and plants
6. Size, location, orientation, materials, and graphic portrayal of all signage
7. Location, size, height and detailed description of all exterior lighting
8. Location, dimensions, and calculated area of all trash collection areas
9. Architectural drawing showing the elevations of all proposed activities, including but not limited to all superstructures and units on the roof or above the roofline, projections from walls, mechanical units, etc.
10. Exterior materials to be used shall be identified by type, location, texture, and color, with samples of each made available upon request by the Planning Department Representative
11. The location, dimensions, and type of screening for all mechanical units, utility services, etc.
12. Identification of additional roadway needs, including improvements necessary to adequately access and service the site. If deemed necessary, a Transportation Impact Study may be required to be conducted, at the applicant's expense, to identify the traffic impacts and challenges that are likely to be generated by the proposed activity and to identify all improvements required to insure safe ingress and egress for the proposed project, elimination of hazards, and the maintenance of adequate street capacities.
13. If the project is scheduled to be completed in phases, the phases will be identified showing portrayal of activities and anticipated progress for each phase and a projected time frame for each anticipated phase
14. A copy of the Storm Water Protection Plan (SWPP) and all other government related permits and requirements shall accompany the Site Plan, if applicable. If a SWPP, or other environmental related permit is not required for the project, Somerville may require specific drainage information, along with erosion control methodology and mitigation, if deemed necessary by the Somerville Planning Representative.

14-2-504 SITE PLAN SUBMITTAL & ADJUDICATION

1. Four copies of The Site Plan shall be submitted to the Town of Somerville, Department of Planning. The Site Plan should be completed on letter-size paper with accompanying drawings as needed. Drawings should be exhibited on sheets no larger than 24"x36" using a standard engineering scale as large as practical. Names, addresses, phone numbers, fax numbers, email addresses, etc. should be included for all owners, applicants, developers, designers, etc. The filing of a Site Plan for approval constitutes an agreement with the

owner, applicant, successors and assigns, that if the Site Plan is approved, subject property will remain in conformance with the approved Site Plan.

2. The Design Review Commission shall adjudicate all Site Plans for nonresidential properties, *multifamily residential* properties, and nonresidential developments. Dissatisfied or unsuccessful applicants may appeal decisions made by the Design Review Commission to the Town of Somerville Board of Mayor and Aldermen. The Design Review Commission may impose conditions deemed necessary to meet the spirit and intent of the Design Review Guidelines. In those instances where those conditions deemed necessary involve minimum requirements or standards set by the Zoning Ordinance, the conditions may be more restrictive than the minimum requirement or standard, but they may not be used as a substitute for a variance, or otherwise as a method of implementing standards that are less restrictive than those required by the Zoning Ordinance. These conditions may include, but are not limited to:
 - A. Performance Standards
 - B. Height or Elevation Limitations
 - C. Minimum *Setbacks*, Open Space, Landscape Area, or Landscaping Requirements
 - D. Parking & Loading Requirements
 - E. Signage Requirements
 - F. Architectural Design Requirements
3. The Planning Commission shall be the adjudicating authority for all Site Plans submitted for consideration of single and two family residential projects.

14-2-505 APPROVED SITE PLAN

1. Upon final approval of the Site Plan, 4 sets of the approved Site Plans will be stamped with the Certificate of Approval and signed by an authorized Somerville Representative. One set will be returned to the applicant. Following approval of the Site Plan, but prior to the issuance of a Building Permit or Use and Occupancy Permit, as may be applicable, the applicant shall sign a Project Development Contract committing to completion of the proposed project in accordance with the approved Plan and other permits, submit to Somerville a proper performance guarantee if required, and pay all development fees. It is preferable that the applicant's copy of the approved Site Plan be maintained on site during construction; however, it is recognized that circumstances may make this request impractical. Regardless, the applicant must maintain a copy of the approved Site Plan to insure that a copy of the Site Plan can be produced on site within 24 hours upon request. Failure to produce a copy of the Site Plan within 24 hours of a request shall be considered a violation.
2. Following the completion of any approved construction or modification, the properties shall be maintained to reflect the provisions of the approved Site Plan and shall include but are not limited to (a) *buildings*, appurtenances, and other features including *signs* and *awnings* shall be cleaned, painted, and repaired as necessary to maintain the spirit and intent of the Site Plan, (b) illuminated elements of the property shall be replaced as required, and (c) all properties shall be kept free from debris, refuse, and clutter and shall have the vegetation pruned and cut appropriately to maintain the desired effects as required within the approved Site Plan.

3. Certification shall be required from the owner and trustee of the mortgage and shall serve as the commitment by the owner that the site shall be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved Site Plan shall be recorded by the owner with the Fayette County Register's Office and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the *Building Inspector*, the owner has not complied with the provisions of the approved Site Plan, the *Building Inspector* shall have the authority to cite the owner to Municipal Court for violation of this ordinance.
4. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, subject to the written concurrence of the Planning Director.
5. Where public improvements are required as a part of Site Plan approval, the developer shall enter into a Development Contract with the Town of Somerville for all required improvements. Such contracts shall be as provided for in the Somerville Subdivision Regulations and other technical specifications and shall be approved by the Board of Mayor and Aldermen. All development contracts shall cover 100% of the required public improvements by the developer and shall include a surety bond or irrevocable letter of credit for such public improvements.

PART 6 GENERAL PROVISIONS

SECTIONS

- 14-2-601 Continuanace of *Non-Conforming Use*
- 14-2-602 Off-Street Loading Space
- 14-2-603 Street Access Control
- 14-2-604 Minimum & Multiple Street Frontage
- 14-2-605 Trailers or *Manufactured Homes*
- 14-2-606 *Modular Home* Regulations
- 14-2-607 *Junkyards & Salvage Yards*
- 14-2-608 Visual Obstructions at Street Intersections
- 14-2-609 *Privacy Fences*
- 14-2-610 Lighting Requirements

14-2-601 CONTINUANCE OF NON-CONFORMING USE – Within the Districts established by this Zoning Ordinance or Amendments that may later be adopted, there exist *uses* and/or *structures* which were lawful before this Zoning Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under current restrictions. Except as noted otherwise within this Zoning Ordinance, any such *uses* shall be considered *Non-Conforming Uses* and shall be

permitted to continue in their existing condition; however, any *structure* or parcel which has been nonconforming, and which hereafter becomes vacant and remains vacant or is not used for a continuous period of 30 months or more is not to be occupied thereafter except by a conforming use and form as specified in the regulations of the zone in which such *structure* is located. The burden of establishing the existence of any *Non-Conforming Use* shall be upon the owner and not the Town. Additional requirements for *Non-Conforming Uses* include:

1. Any existing non-conforming structure, parcel, or *use* may not be:
 - A. Modified in any manner that would change the historic usage, except in conformity.
 - B. Removed and replaced with another non-conforming circumstance
 - C. Re-established after discontinuance of 30 continuous months
2. Any lot which existed prior to the enactment of this Zoning Ordinance and may not have sufficient land or attributes within an existing lot to conform to current requirements may appeal to the Board of Zoning Appeals for a variance that would allow building upon the existing lot. Permission to use such lots may be granted at the discretion of the Board of Zoning Appeals, however, providing that the provisions of the District are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.
3. Where applicable, Non-Conforming Provisions of this Zoning Ordinance are superseded by TCA 13-7-208 which provides that a change in the zoning of an area where a previously permitted industrial, commercial or business *use* is prohibited under such zoning change shall not act to prevent expansion of such industrial, commercial, or business establishments or destruction and rebuilding as long as such expansion or destruction and rebuilding involves an actual continuance of the activity of such establishment prior to expansion or destruction and rebuilding.

14-2-602 OFF-STREET LOADING SPACE – In all Business and Industrial Districts, except for the Central Business District (CB), every *building* or *structure* used for commercial purposes shall provide adequate space for the loading or un-loading of vehicles away from the existing public alley or street. Such loading space shall have access to a public alley or street.

14-2-603 STREET ACCESS CONTROL – In order to promote the safety of motorists and pedestrians and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

1. A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed 30 feet in width. However, for properties with greater than 300 feet of frontage on major arterials using one driveway, the maximum width of driveways is 40 feet.
2. There shall not be more than 2 points of access to any one public street on a lot less than 400 feet but more than 100 feet in width. Lots less than 100 feet in width shall have only one point of access.
3. Points of access to any one public street for lots of more than 400 feet in width shall be no closer than 100 feet apart.
4. No point of access shall be allowed within 10 feet of the right-of-way of any public street intersection.
5. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least 6 inches in height and 6

inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area. This provision shall not apply in circumstances requiring an inclined ramp for handicap access.

6. No curbs on public streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.
7. Cases requiring variances relative to this action, and hardships not caused by the property owner, 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 arrangement would require that vehicles back directly into a public street (this is not to include private parking for residential property).
8. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Zoning Ordinance, whichever is more restrictive.

14-2-604 MINIMUM & MULTIPLE STREET FRONTAGE – The front of any lot shall be defined as any side of a lot that has public street frontage; therefore, some lots may have more than one front. All lots not in the CB (Central Business) District or PUD's (Planned Unit Developments) must front on a public street for a distance of at least 50 contiguous feet, except on cul-de-sac lots with frontage on the curved turn-around where a minimum of 25 contiguous feet shall be required. Minimum Road Frontage Width must be maintained up to the front of the Principal Building. Easements shall not be considered Road Frontage.

14-2-605 TRAILERS OR MANUFACTURED HOMES – The use of a trailer or *Manufactured Home* as a dwelling unit on any lot other than a licensed and approved *Manufactured Home* Park is prohibited; and no *Manufactured Home* shall be used as a place of business.

14-2-606 MODULAR HOME REGULATIONS – *Modular Homes* shall be allowed on individual lots in any residential district, provided the following conditions are met:

1. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Standard *Building Code*.
2. The home must be covered with an exterior material customarily used on conventional dwellings. When a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Other materials such as brick, block, concrete and stone may be used as foundation enclosures. Steps and porches must be permanent construction in compliance with all applicable requirements of the Standard *Building Code*. The following are acceptable materials: brick, block, concrete and stone. A wooden deck is an acceptable replacement for a porch or steps.
3. The hitches or towing apparatus, axles and wheels must be removed.
4. The roof must be pitched so there is at least a 3 inch vertical rise for each 12 inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum or corrugated fiberglass.

5. All such units shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance with the Standard *Building Code* and National Electrical Code and all other applicable codes.
6. No appearance criteria shall be required for *Modular Homes* that are not required for site-built homes.

14-2-607 JUNKYARDS & SALVAGE YARDS – *Junkyards & Salvage Yards* shall have all Junk screened from public view by a minimum of 6 feet of visual height screening as permitted by the Design Review Committee. Non-conforming *Junkyards & Salvage Yards* shall be required to submit an acceptable Site Plan for screening to the Design Review Commission and construct same within 6 months of enactment of this Zoning Ordinance.

14-2-608 VISUAL OBSTRUCTIONS AT STREET INTERSECTIONS – On any lot not in the CB Central Business District, there shall be no obstruction to vision between 2.5 and 10 feet above ground level within 14 feet of the edge of pavement of any street or alley, provided that this provision shall not restrict necessary retaining walls.

14-2-609 PRIVACY FENCES – *Privacy Fences* shall not be allowed closer to the edge of pavement fronting the *Principal Building* than the distance between the front of the *Principal Building* and the edge of pavement fronting the *Principal Building*, except in cases where screening is deemed necessary to adequately separate conflicting *Uses*.

14-2-610 LIGHTING REQUIREMENTS – All lights which will be subsequently approved and accepted by the Town of Somerville for future maintenance shall be LED (Light-Emitting Diode) Cree BXSPA03HA-USN 100 Watt, 4,000 Kelvin, with a life expectancy of $\geq 15,000$ cycles.

14-2-611 ONLY ONE PRINCIPAL BUILDING ON ANY LOT – Only one *Principal Building* and its customary *Accessory Buildings* may hereafter be erected on any single Lot except for approved PUD's (Planned Unit Developments).

PART 7 PARKING

SECTIONS 14-2-701 Minimum Requirements

14-2-702 Central Business District Exception

14-2-703 Adjacent Property Appeal

14-2-701 MINIMUM REQUIREMENTS

1. There shall be provided, at the time of the erection of any *building* or *structure*, or at the time any main *building* or *structure* is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from one zoning *use* or occupancy to another, permanent off-street parking space of at least 200 ft² per space with vehicular access to a street or alley. The Town reserves the right to control ingress and egress over private right-of-way. Minimum parking spaces for various *uses* include:
 - A. Residential Dwellings – 1.5 spaces for each unit, apartment, or single residential dwelling
 - B. Boarding Houses, Rooming Houses – 1 space for each occupied room or unit
 - C. Tourist Accommodations – 1 space for each room or unit
 - D. In all Business and Manufacturing Districts, 1 space for every 2 employees computed on the basis of total number of employees of the two largest consecutive shifts. In addition, there shall be sufficient parking for all vehicles used directly in the conduct of such office or industrial use.
 - E. Retail – In all Business and Manufacturing Districts, one space for each 200 ft² of store sales area.
 - F. Assembly – Theaters, Auditoriums, Stadiums, *Churches*, or other *Use* Designed to Draw an Assembly of Persons – 1 space for each 3 seats.
 - G. Public *Buildings* – 1 space for each 200 ft² of total floor area of all floors in *building* except for areas used exclusively for storage.
 - H. Medical Offices – 3 patient spaces per staff physician, plus 2 spaces for every 3 employees, plus 1 space for each staff physician
 - I. Funeral Homes – 1 space for each company vehicle plus 1 space for each 3 seats in congregating areas.

14-2-702 CENTRAL BUSINESS DISTRICT EXCEPTION – All uses within the CB Central Business District are exempt from minimum parking requirements.

14-2-703 ADJACENT PROPERTY APPEAL – If off-street parking space required above cannot be reasonably provided on the same lot on which the principal *use* is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal *use*. Applicant must present acceptable legal commitment from the owner of the adjacent property to ensure continued compliance with the hereinabove described parking requirements.

PART 8
SIGNS

SECTIONS

14-2-801 Definitions

- 14-2-802 Intent & Purpose
- 14-2-803 General *Sign* Standards
- 14-2-804 Exempted *Signs*
- 14-2-805 *Signs* Allowed by Permit
- 14-2-806 Prohibited *Sign* Uses

14-2-801 DEFINITIONS

Abandoned Sign – Any *sign* which identifies or advertises an entity which is no longer available at the indicated location or no longer available on the premises or for which no legal owner can be found.

Attached Sign – Any *Sign* which is affixed directly to or otherwise inscribed or painted on a wall, parapet, *awning*, *canopy*, or similar attached device of any *building* with the exposed face of the *sign* in a plane approximately parallel to the plane of such wall or device and extending therefrom less than 12 inches.

Awning Sign – A *Permanent Sign* painted on, printed on, or attached flat against the surface of an *awning* or *canopy* projecting from and supported by the exterior wall of a *building*. An *Awning Sign* is a type of *Attached Sign*.

Banner Sign – A *Temporary Sign* made of vinyl, fabric or other generally flexible material and attached to a frame on more than one side.

Billboard – Any *Off-Premise Sign* that is >125 ft² and the bottom of the *sign* is higher than 8 feet above the ground.

Campaign Sign – A *sign* that is designed to influence issues subject to public voting.

Canopy Sign – Same as *Awning Sign*

Incidental Home Business Sign – Any *sign* advertising an *Incidental Home Business*.

Marquee Sign – An *awning*, *canopy*, or roof-like projected *Permanent Sign* that stands perpendicular to the ground and is normally anchored at its base. A *Marquee Sign* is a type of *Attached Sign*.

Mobile Sign – Any *sign* mounted on wheels or chassis or similarly constructed in a manner that would allow easy relocation to an alternate site.

Obsolete Sign – Same as *Abandoned Sign*

Off-Premise Sign – A *sign* not located on the property that it advertises.

On-Premise Sign – A *Permanent Sign* located on the subject property, but not attached to the *building* that it advertises.

Pennant Sign – A *Temporary Sign* made with flexible material and attached on one side only with a frame, allowing movement in the wind.

Permanent Sign – A *sign* permanently anchored to a *building* or support *structure*, or attached to the ground utilizing a footing. *Permanent Signs* shall not be made of canvas, vinyl, paper products, or other flexible material that may move or wave in the wind.

Portable Sidewalk Sign – A portable, light *sign*, normally constructed in a “sandwich-type” manner that may be placed in front of a business during working hours.

Projecting Sign – A *Permanent Sign* which is attached to and projects perpendicular from a *building*.

Real Estate Sign – A *Temporary Sign* used for the sole purpose of displaying information regarding the sale, rental or lease of any Real Property.

Sign – Any object, device, graphic design or part thereof, situated outdoors or indoors and which object, device, graphic design or the effect produced is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, sound and projecting images. Any *sign* requiring a permit is considered to be a *structure*.

Suspended Awning Sign – A *sign* suspended from an *awning* or *canopy*, displayed perpendicular to the plane of the *building* and being a minimum of 8 feet above the ground.

Temporary Sign – A *sign* affixed to the ground without a prepared footing, or affixed to a permanent *structure* by temporary means, such as rope, wire, or other easily removable support and includes all *signs* made of flexible material such as canvas, vinyl or various paper products allowing some movement with the wind.

Vehicular Sign – Any *sign* painted or attached onto a vehicle not in operable condition and parked continuously in one location with the purpose of advertisement of any sort.

14-2-802 INTENT & PURPOSE – The purpose of this section is to establish a system for the control of the size, location, type and number of *signs* located in the Town of Somerville according to reasonable and nondiscriminatory standards. Such regulation is deemed necessary to enhance the quality of the visual environment, thereby promoting commerce, improving community identity, conserving property values, improving traffic safety, and promoting the health, safety and general welfare of the people. Usage of *signs* not otherwise exempted throughout this Zoning Ordinance shall be required to be permitted by the Town, and application for sign permits shall be accompanied by a Site Plan which shall include all necessary information to allow proper deliberation by the Town. Applicants may meet with the Town Planner to determine information necessary for deliberation by the Planning Commission. *Signs* which were legally permitted prior to passage of the current Zoning Ordinance shall be permitted to continue usage as Non-Conforming *Signs*. With the exception of minor repairs, maintenance, and alterations allowed pursuant to state law, no alterations to a nonconforming *sign* shall be allowed. Unless otherwise allowed by law, any structural or substantial improvement to a nonconforming *sign* shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such *sign* as a prohibited *sign*. Notwithstanding the above, no *sign* shall continue to be exhibited that presents a hazard to the safety and well-being of the citizens of the Town, at the sole discretion of the Town. Definitions for terms in this Section that are technical in nature or that otherwise may not reflect a common usage of the term are defined at the beginning of this Section. Generally, those terms that are specifically defined in this Section shall be highlighted in *italics* to indicate that a definition specific to this Section is included; however, failure to *italicize* terms shall not be construed to indicate the absence or applicability of said defined terms. Terms not specifically defined in this Section shall be accorded their commonly accepted meanings. However, notwithstanding the above, interpretations of the definitions and terminology within this Section shall be made by the Town Planner and said interpretations shall be enforceable and final.

14-2-803 GENERAL SIGN STANDARDS

1. The Board of Zoning Appeals may choose to permit large murals, decorative paintings on structures, or other unique signage as deemed appropriate and in keeping with the established décor of the neighborhood.
2. Supports and braces shall be an integral part of the *sign* design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
3. All *signs* shall be constructed to withstand wind loads of 30 pounds per square foot on the largest face of the *sign* and *structure*.
4. Electrical service to *signs* shall be concealed whenever possible.
5. Electrical power to all *signs* shall be permanently installed.
6. Every *sign*, including, but not limited to those *signs* for which permits are required, shall be maintained in a safe, representable and good structural condition at all times, including replacement of defective parts, repainting, cleaning and other acts required for the maintenance of such *sign*.

14-2-804 EXEMPTED SIGNS – The following *signs* shall be allowed throughout the Town provided that the *sign* conforms to the regulations of this Ordinance. A *Sign* Permit is not required to erect exempt *signs* described below:

1. *Signs* ≤ 2 ft² which identify street numbers, owner names, occupant name, and professional names, as allowed herein.
2. Official National, State, or Municipal flags properly displayed.
3. Architectural *Signs* constructed as a part of the permanent façade.
4. *Signs* identifying merchandise, or manufacturer, offering sale if on a dispensing or vending machine, or on windows.
5. *Signs* wholly within buildings, doors, or windows.
6. Public *signs* by any government-owned entity
7. Private property informational *signs* such as “No Parking,” “Exit,” “No Trespassing,” etc. ≤ 4 ft²
8. *Campaign Signs*; however, they must not be exhibited more than 90 days prior to any election, and must be removed within 10 days following said election. Each candidate or the candidate’s organization must obtain a general *sign* permit, at no charge, covering all of the candidate’s *signs* in the Town.
9. *Real Estate Signs* (On-Premise); however, Residential *Real Estate Signs* are limited to no more than one *sign* per street frontage of the lot and each *sign* is limited to ≤ 20 ft² and shall have a height not to exceed 8 feet above the ground. Business *Real Estate Signs* are limited to ≤ 32 ft². *Real Estate Signs* must be removed from the property within 20 days of Closing or Removal from the Market.

14-2-805 SIGNS ALLOWED BY PERMIT – Each lot shall be limited to 3 signs per lot for the 1st 300 feet of road frontage except as specifically approved within Planned Unit Developments (PUD). One additional sign shall be allowed for each additional 100 feet of road frontage. Signs identifying or advertising Residential Areas (i.e. Manufactured Home Park, Subdivision, etc.) shall be limited to one sign per street front.

1. *Attached Signs* are Allowed by Permit; however, in no case shall any single *building* side be covered by more than 25% of that particular *building* side.
2. *Awning Signs* are Allowed by Permit. By definition, *Awning Signs* are *Attached Signs*.
3. *Banner Signs* are Allowed by Permit, but they must be ≤ 32 ft².
4. *Canopy Signs* are Allowed by Permit. By definition, *Canopy Signs* are *Attached Signs*.
5. *Off-Premise Signs*:
 - A. *Off-Premise Signs* advertising personal property sales are Allowed by Permit, but they must be ≤ 4 ft². They shall not be exhibited more than 2 days prior to the sale and must be removed each day at the close of the sale activities or by the end of daylight, whichever comes first. Written permission by the owner of the *sign* site must accompany the application.
 - B. *Off-Premise Signs* advertising the sale of individual lots are Allowed by Permit, but they must be ≤ 4 ft², they may only be exhibited during weekends, must be removed during week days, and written permission from the owner of the *sign* site must accompany the sign application.
 - C. *Off-Premise Signs* advertising Subdivision Developments are Allowed by Permit, but they must be ≤ 32 ft². Each Subdivision Development shall be limited to 2 *Off-Premise Sign* Permits. Subdivision Development *Off-Premise Sign* Permits must be renewed annually.
 - D. All other *Off-Premise Signs* are Allowed by Permit, but they must be ≤ 4 ft².
6. *Marquee Signs* are Allowed by Permit. By definition, *Marquee Signs* are *Attached Signs*.
7. *On-Premise Signs*
 - A. *On-Premise Signs* shall be Allowed by Permit. Each *On-Premise Sign* shall be ≤ 60 ft² in the CB Central Business District and LB Limited Business Districts and ≤ 100 ft² in all other Districts and shall not be any higher than the height of the corresponding *building*. If a *building* has more than one (1) *On-Premise Sign*, they must be separated by ≥ 100 ft. *Signs* advertising gas stations with flat roofs may have a height that extends 10 feet above the top of said flat roof.
 - B. *On-Premise Signs* advertising yard, estate, or garage sales are Allowed by Permit and are limited to ≤ 4 ft². They must not be exhibited more than 2 days prior to the sale and must be removed each day at the close of the sale activities or by the end of daylight, whichever comes first.
 - C. *On-Premise Signs* advertising apartment complexes, subdivisions, *churches*, schools, and similar entities are Allowed by Permit but are limited to one *On-Premise Sign* on each public street frontage with each *On-Premise Sign* consisting of a maximum of 100 ft².
8. *Suspended Awning Signs* are Allowed by Permit in the Central Business District, but must be ≤ 4 ft² and must be at least 8 feet above sidewalks.
9. *Portable Sidewalk Signs* are Allowed by Permit in the CB Central Business District only; however, said *signs* shall only be displayed during working hours and they must be situated to allow a minimum of 4 feet of sidewalk area to remain unobstructed, and must not restrict visibility higher than 2.5 feet above sidewalk level.
10. *Projecting Signs* are Allowed by Permit, but they shall be ≤ 25 ft²

14-2-806 PROHIBITED SIGN USES - The Town Planner, or his 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 at the sole discretion on the Town Planner or if the *sign* is displayed within any public right-of-way.

1. *Abandoned Signs*
2. *Incidental Home Business Signs*
3. *Mobile Signs*
4. *Obsolete Signs*
5. *Pennant Signs*
6. *Vehicular Signs*
7. *Signs* on public property, excluding *public signs* in conjunction with Town, state, and federal government uses; and excluding *Temporary Signs* upon permission by the public authority having jurisdiction; however, any *Temporary Signs* allowed by public entities must not be displayed for more than 14 consecutive days per quarter. *Signs* illegally placed in any *public* right-of-way shall be forfeited to the *public* and shall be immediately confiscated.
8. *Signs* which obstruct vision between 2.5 and 10 feet above ground level within 14 feet of the edge of pavement of any street or alley.
9. *Signs* attached to existing supports, such as utility poles or traffic control *sign* supports.
10. *Signs* mounted on berms, etc. for the sole purpose of increasing the height of the *signs*.
11. *Signs* obstructing any fire escape, required exit way, window or door opening.
12. *Signs* which are not permanent are limited to one per lot.
13. *Signs* which interfere with any opening required for ventilation.
14. *Signs* with lighting considered to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway or to pedestrian traffic.
15. *Signs* erected in the general area of streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic *signs*, signal or device, or which makes use of the words Stop, Look, Drive-In, Go Slow, Caution, or similar wording or other symbols that could interfere with, mislead, or confuse traffic.
16. *Signs* which blend with or can be confused with traffic signals.
17. *Signs* which contain reflective materials which may present a hazard or danger to traffic or the general public.
18. *Signs* which display thereon or advertise any obscene, indecent or immoral matter.
19. Inflatable characters, lighter than air devices or similar balloon-type devices, & hand-held *signs* displayed within the *public* right-of-way.

**PART 9
LANDSCAPING**

SECTIONS

- 14-2-901 Required Area
- 14-2-902 Composition of Landscape Areas
- 14-2-903 Mitigation
- 14-2-904 Maintenance
- 14-2-905 Recommended *Canopy Trees*
- 14-2-906 Recommended *Understory Trees*
- 14-2-907 Prohibited *Trees*

14-2-901 REQUIRED AREA – All required Landscape Areas shall be landscaped in accordance with this Section of the Zoning Ordinance. Refer to required Landscape Areas as defined with each District identified in this Zoning Ordinance.

14-2-902 COMPOSITION OF LANDSCAPE AREAS – A minimum of 70 *Acquired Diameter Inches* of trees per acre shall be required for all Landscape Areas. *Tree* Diameters of $\leq 6''$ are measured 12'' above the ground (Caliper Measurement) and *Tree* Diameters of $> 6''$ are measured as *Diameter at Breast Height (DBH)*. For the purpose of this document, a *tree* is defined as a woody plant with a minimum diameter of 2'' as measured 12'' from the ground that normally achieves an overall height at maturity of greater than 15 feet. Each *tree* shall receive a minimum score of 8 *Acquired Diameter Inches*. Refer to the list of appropriate and detrimental landscape *trees* at the end of this section. In addition to required *trees*, owners shall make every effort to maximize plantings in *permeable areas*. Use of groundcover, *shrubs* and *trees* shall be maximized, with moderate use of turf, and a minimum amount of mulch, gravel, or bare soil.

14-2-903 MITIGATION – In some extreme cases, strict adherence to the requirements within this section may be impractical or impossible depending on the lot size and intended *use*. In such extreme cases, the Design Review Commission or Planning Commission may grant an alternative solution which could include mitigation efforts requiring landscape dedication of another similar property located in the Town.

14-2-904 MAINTENANCE – The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair. The practice of “topping” *trees* or excessive removal of limbs shall not be permitted as a normal practice of maintenance of *trees*. Topping is defined as the excessive and arbitrary removal of limbs with no regard to the structure of the *tree*. Excessive removal of limbs is removal of more than 20% percent of viable limbs as stated in the ANSI standards for pruning. *Trees* severely damaged by storms or other causes may be exempted from this requirement at the determination of the Town Planner.

1. Herbaceous Clipping Required – All herbaceous (non-woody) vegetation (e.g. grass) must be routinely clipped during the growing season. No herbaceous vegetation, other than flowers, ornamentals, garden crops, or agricultural crops, may exceed 12 inches in height at any time. If any lot is planted and maintained as an agricultural crop, a buffer of 100 feet of clipped area with vegetation kept below 12 inches of height must be maintained adjacent to all *public* roads and adjacent lots with residential dwellings, *public* areas, or businesses. Any agriculture area in existence at the time of enactment of this Zoning Ordinance may continue to be cultivated within its historical bounds as a *non-conforming use*.

14-2-905 RECOMMENDED CANOPY TREES:

Acer rubrum Red Maple
Betula nigra River Birch
Carya illinoensis Pecan
Cladrastis kentukea Yellowwood
Ilex opaca American Holly
Juglans spp. Walnut
Liriodendron tulipifera Tulip Poplar
Magnolia grandiflora Southern Magnolia
Nyssa sylvatica Black Gum
Pinus virginiana Virginia Pine
Platanus occidentalis Sycamore
Quercus alba White Oak
Quercus coccinea Scarlet Oak
Quercus falcata Southern Red Oak
Quercus nigra Water Oak
Quercus palustris Pin Oak
Quercus phellos Willow Oak
Quercus prinus Chestnut Oak
Quercus stellata Post Oak
Taxodium distichum Cypress

14-2-906 RECOMMENDED UNDERSTORY TREES:

Acer negundo Box Elder
Amelanchier arborea Serviceberry
Cercis canadensis Redbud
Cornus spp. Dogwood
Halesia carolina Silverbell
Ilex decidua Possumhaw
Juniperus virginiana Red Cedar
Malus spp. Crabapple
Rhus spp. Sumac

14-2-907 DETRIMENTAL TREES:

Acer saccharinum Silver Maple

Ailanthus altissima Tree of Heaven

Albizia julibrissin Mimosa

Elaeagnus umbellata Autumn Olive

Paulownia tomentosa Princess Tree

Populus deltoids Cottonwood

Pyrus calleryana Bradford Pear

PART 10

ESTABLISHMENT OF DISTRICTS

SECTIONS

14-2-1001 Classification of Districts

14-2-1002 Boundaries of Districts

14-2-1001 CLASSIFICATION OF DISTRICTS – For the purpose of this Zoning Ordinance, Somerville, Tennessee is hereby divided into 11 Districts, designated as follows:

- RR Rural Residential
- LDR Low Density Residential
- HDR High Density Residential
- MFR *Multifamily Residential*
- MHP *Manufactured Home Park*
- RD Redevelopment
- CB Central Business
- LB Limited Business
- GB General Business
- LM Light Manufacturing
- HM Heavy Manufacturing

14-2-1002 BOUNDARIES OF DISTRICTS

1. The boundaries of Districts identified above are hereby established as shown on the Official Zoning Map entitled “Zoning Map of Somerville, Tennessee”, which is a part of this Zoning Ordinance and which is on file in the Somerville City Hall.
2. Unless otherwise indicated on the Zoning Map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Zoning Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where district boundaries may divide a lot as existing at the time this Zoning Ordinance takes effect, the Board of Zoning Appeals shall make a determination as to the applicable district classification of said lot.

**PART 11
RESIDENTIAL DISTRICTS**

SECTIONS

- 14-2-1101 RR Rural Residential
- 14-2-1102 LDR Low Density Residential
- 14-2-1103 HDR High Density Residential
- 14-2-1104 MFR *Multifamily Residential*
- 14-2-1105 MHP *Manufactured Home Park*
- 14-2-1106 Residential Uses Permitted by Appeal & Prohibited Uses
- 14-2-1107 Residential Lot Standards
- 14-2-1108 RD Redevelopment

14-2-1101 RR RURAL RESIDENTIAL

1. Purpose and Intent – The intent of the RR Rural Residential District is to maintain and/or preserve areas of the Town of Somerville for the purposes of farm or forestry production and to allow for limited residential development not requiring extensive municipal services.
2. Uses Permitted
 - A. Single Family Dwellings, excluding single wide *Manufactured Homes* on individual lots.
 - B. Agricultural Production. Domesticated animals shall be properly and securely enclosed and contained within the lot. No domestic animals, other than house pets such as dogs and cats, will be allowed within 1,000 feet of any residence, place of business, or public street without a permit approved by the Board of Zoning Appeals (BZA). The BZA shall approve a permit only when it is determined by the BZA, in its sound judgment, that the keeping of such animals under the circumstances set forth in the application for the permit will not injuriously affect the public health or quality of life for neighbors and the permitted use is deemed to be in harmony with the Zoning Ordinance’s general purpose and intent.
 - C. Forestry activities and related services.
 - D. Roadside sales offering for sale only farm products produced on the premises.
 - E. *Accessory Buildings* customarily incidental to the permitted use. *Accessory Buildings* shall not exceed 25 feet in height and shall be \geq 5 feet from any property line or *Principal Building*. *Accessory Buildings* shall not be allowed closer to the edge of pavement than the distance between the *Principal Building* and the edge of pavement.
 - F. *Detached Accessory Dwellings*, limited to one per lot, shall be clearly subordinate in size, height, and purpose to the *Principal Building*; they shall be located on the same lot as the *Principal Building*, but they shall be detached from the *Principal Building* and

may be served by separate utility meters. A *Detached Accessory Dwelling* can be an independent structure, a dwelling unit above a garage, or attached to a workshop or other *Accessory Building* on the same lot as the *Principal Building*. *Detached Accessory Dwellings* shall be located on lots in accordance with standards for *Accessory Buildings*.

3. Uses Permitted by Appeal & Prohibited Uses – See Section 14-2-1106 & Table 1.

14-2-1102 LDR LOW DENSITY RESIDENTIAL

1. Purpose and Intent – The intent of the LDR Low Density Residential District is to provide suitable areas for low density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally these districts will be characterized by single family detached dwellings.
2. Uses Permitted
 - A. Single family dwellings, excluding single-wide *Manufactured Homes* on individual lots.
 - B. *Accessory Buildings* customarily incidental to the permitted use. *Accessory Buildings* shall not exceed 25 feet in height and shall be ≥ 5 feet from any property line or *Principal Building*. *Accessory Buildings* shall not be allowed closer to the edge of pavement than the distance between the *Principal Building* and the edge of pavement.
 - C. *Detached Accessory Dwellings*, limited to one per lot, shall be clearly subordinate in size, height, and purpose to the *Principal Building*; they shall be located on the same lot as the *Principal Building*, but they shall be detached from the *Principal Building* and may be served by separate utility meters. A *Detached Accessory Dwelling* can be an independent structure, a dwelling unit above a garage, or attached to a workshop or other *Accessory Building* on the same lot as the *Principal Building*. *Detached Accessory Dwellings* shall be located on lots in accordance with standards for *Accessory Buildings*.
3. Uses Permitted by Appeal & Prohibited Uses – See Section 14-2-1106 & Table 1.

14-2-1103 HDR HIGH DENSITY RESIDENTIAL

1. Purpose and Intent – The intent of the HDR High Density Residential District is to provide suitable area for high density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally these districts will be characterized by single family and two family detached dwellings.
2. Uses Permitted

- A. Single Family dwellings, excluding single family *Manufactured Homes* on individual lots.
 - B. Two family dwellings.
 - C. *Accessory Buildings* customarily incidental to the permitted use. *Accessory Buildings* shall not exceed 25 feet in height and shall be \geq 5 feet from any property line or *Principal Building*. *Accessory Buildings* shall not be allowed closer to the edge of pavement than the distance between the *Principal Building* and the edge of pavement.
 - D. *Detached Accessory Dwellings*, limited to one per lot, shall be clearly subordinate in size, height, and purpose to the *Principal Building*; they shall be located on the same lot as the *Principal Building*, but they shall be detached from the *Principal Building* and may be served by separate utility meters. A *Detached Accessory Dwelling* can be an independent structure, a dwelling unit above a garage, or attached to a workshop or other *Accessory Building* on the same lot as the *Principal Building*. *Detached Accessory Dwellings* shall be located on lots in accordance with standards for *Accessory Buildings*.
3. Uses Permitted by Appeal & Prohibited Uses – See Section 14-2-1106 & Table 1.

14-2-1104 MFR MULTIFAMILY RESIDENTIAL

1. Purpose and Intent – The intent of the MFR *Multifamily Residential* District is to provide suitable areas for *multifamily residential* developments where sufficient urban facilities are available or where the extension of such facilities will be physically and economically feasible. It is not the intent of this district to restrict in number the dwelling units contained in a *building* provided there is sufficient area of zone lot and open space on the lot relative to the number of dwelling units. These districts are intended to permit community facility and *public* utility installations which are necessary to service the residents of these districts.
2. Uses Permitted
- A. Multifamily Dwellings and Duplexes
 - B. *Accessory Buildings* customarily incidental to the permitted use. *Accessory Buildings* shall not exceed 25 feet in height and shall be \geq 5 feet from any property line or *Principal Building*. *Accessory Buildings* shall not be allowed closer to the edge of pavement than the distance between the *Principal Building* and the edge of pavement.
3. Uses Permitted by Appeal & Prohibited Uses – See Section 14-2-1106 & Table 1.

14-2-1105 MHP MANUFACTURED HOME PARK

1. Purpose and Intent – The intent of the MHP *Manufactured Home* Park District is to provide minimum standards for the development of *Manufactured Home* Parks within the Town. These standards are designed to provide healthful, attractive, and efficient *Manufactured Home* Parks for the benefit of the residents of Somerville. *Manufactured Home* Parks shall be allowed only in areas as provided within this Zoning Ordinance and shall be occupied by single family *Manufactured Home* dwellings. This shall not preclude but shall include all provisions as set forth in TCA 68-126.
2. Installation – It is unlawful to occupy any *Manufactured Home* unless it has been installed by a person licensed by the Tennessee Department of Commerce and Insurance to make such installation (TCA 68-126-403). The burden of proof of proper installation shall be upon the owner.
3. Uses Permitted
 - A. Single family *Manufactured Homes* in properly sited and licensed *Manufactured Home* Parks.
 - B. *Accessory Buildings* customarily incidental to the permitted use with the following restrictions:
 - i. Only one *Accessory Building* is allowed per *Manufactured Home*.
 - ii. *Accessory Buildings* are not be used for human habitation.
 - iii. Maximum 150 ft² for each *Accessory Building* and shall not exceed 25 feet in height.
 - iv. Each *Accessory Building* is to be located a minimum of 10 feet from its Principal *Manufactured Home* and must not be visible from any public road
4. Uses Permitted by Appeal & Prohibited Uses – See Section 14-2-1106 & Table 1.
5. Footings & Underskirt Requirements
 - A. All *Manufactured Homes* permitted under this section shall be set upon concrete pads and elevated on blocks or steel piers which are constructed upon a concrete footing and each *Manufactured Home* shall be anchored with approved anchors as required by TCA 68-45-103. Each concrete pad shall be a minimum of 10 feet wide.
 - B. All *Manufactured Homes* moved into any *Manufactured Home* Park, existing or new, after the effective date of these provisions shall be under-skirted to prevent the accumulation of refuse and rodents.
6. Street System
 - A. The internal street system shall consist of paved streets with a paved width of 22 feet.
 - B. Paved streets shall consist of a sub-base of 6 inches of crush run gravel, or other comparable substrate as approved by the Somerville Planning Commission, and finished with a minimum asphalt thickness of 2 inches.

7. Water Lines shall consist of a minimum 6 inch water main looped for adequate water pressure for fire protection with one hydrant every 250 feet and shall be approved by the Public Works Department.
8. Sewer Lines shall consist of a minimum 8 inch sewer pipe, with 4 inch force mains where applicable, designed according to the standards required in the Subdivision Regulations and shall be approved by Public Works Department.
9. Concrete Sidewalks shall have a minimum width of 60 inches and shall be provided for *Manufactured Home* spaces to the *Manufactured Home* Park office. The sidewalks shall be a minimum of 3 inches thick and shall be designed to minimize cracking.
10. Paved Parking – All *Manufactured Home* plots shall provide a minimum of 400 ft² of paved parking area.
11. Lighting – Lighting within the *Manufactured Home* Park shall be consistent with lighting intensity and spacing as provided within the residential areas of the Town of Somerville and consistent with all applicable standards of the Town of Somerville.
12. Certification is required of the owner and trustee of the mortgage and shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification, the approved Site Plan shall be recorded by the owner with the Fayette County Register's Office and shall regulate the development of the *Manufactured Home* Park. If, during the process of construction, the *Building* Inspector notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the *Building* Inspector, the owner has not complied with the provisions of the approved Site Plan, the *Building* Inspector shall have the authority to cite the owner to Municipal Court for violation of this ordinance. However, the *Building* Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Planning Director.
13. Public Improvements – All required *Public* Improvements to be completed at the expense of the Developer shall require execution of a Development Agreement between the Developer and the Town of Somerville to ensure adequate completion of all required *Public* Improvements. Such Development Agreements shall be as provided for in the Somerville Subdivision Regulations and other technical specifications and shall be approved by the Town of Somerville Board of Mayor and Aldermen. All Development Agreements shall require the Developer to provide all costs associated with said *Public* Improvements and shall include a surety bond or irrevocable letter of credit for said *Public* Improvements.
14. Licenses & License Fees

- A. No *Manufactured Home* may be located in the Town of Somerville unless the same shall be in an approved and duly licensed *Manufactured Home Park*.
 - B. It shall be unlawful for any person to maintain or operate within the corporate limits of the Town of Somerville any *Manufactured Home Park* unless such person shall first obtain a license for said *Manufactured Home Park*.
 - C. Licenses shall not be transferrable.
 - D. The annual license fee for each *Manufactured Home Park* shall be established by the Town of Somerville Board of Mayor and Aldermen.
 - E. The *Manufactured Home Park* License shall be issued by the *Building* Inspector upon completion and compliance with all requirements for the *Manufactured Home Park*. The license shall be conspicuously posted in the office of, or on the premises of, the *Manufactured Home Park* at all times.
15. Registry of *Manufactured Homes* – It shall be the duty of the *Manufactured Home Park* Licensee to keep a registry containing a record of all *Manufactured Home* owners located within the *Manufactured Home Park*. The register shall contain:
- A. Make, Model and Year of all *Manufactured Homes*
 - B. Owner and Lessee of each *Manufactured Home*
 - C. The dates of arrival and departure of each *Manufactured Home* or recreational vehicle. The park shall keep the registry available for inspection at all times by law enforcement officers, whose duties necessitate acquisition of the information contained in the registry. All records within the registry shall be retained with the registry for a minimum of 3 years following the departure or cessation of each *Manufactured Home* listed on the registry.
16. Non-Conforming *Manufactured Home Parks* – With the exception of minor repairs, maintenance, and alterations allowed pursuant to state law, no alterations to a nonconforming Non-Conforming *Manufactured Home Park* shall be allowed. Unless otherwise allowed by law, any substantial improvement to a nonconforming *Manufactured Home Park* shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such *Manufactured Home Park* as a prohibited use.

14-2-1106 RESIDENTIAL USES PERMITTED BY APPEAL & PROHIBITED USES

- 1. Uses Permitted on Appeal – The following *uses* are not inherently inconsistent with the intent and purpose of particular zones; however, they could create special problems or hazards if allowed to develop and locate as a *Use by Right*. These *uses* are permitted by approval of a Special Exception by the Board of Zoning Appeals (BZA) upon review of the criteria established herein, and upon consideration of numerous factors, such as traffic flow, noise, quality of life issues for adjacent neighborhoods, etc.

- A. *Uses* identified in Table 1.
- B. *Incidental Home Businesses* as identified in Table 1.
- 2. Review Criteria for uses other than *Incidental Home Businesses* – The BZA shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood from traffic congestion or other undesirable conditions. The BZA shall state in writing the reasons for denial of any properly submitted Site Plan.
- 3. Review Criteria for *Incidental Home Businesses* – A Somerville Business Permit shall be required to operate any business in the Town of Somerville. *Incidental Home Businesses* that are conducted in their entirety without any increase in traffic or usage in and around the home shall not be required to obtain BZA approval. *Incidental Home Businesses* as listed in Table 1 may be considered provided that no *Building* Permits or Certificates of Occupancy for such *use* shall be issued without the written approval of the BZA and subject to such conditions as the BZA may require in order to protect and preserve the character of the neighborhood in which the proposed *Use* is located; and then provided further that:
 - A. The Business Principal shall be a resident of the dwelling unit in which the proposed *use* is located;
 - B. The Business *use* shall not result in greater than 4 vehicles or customers per hour at the residence between the hours of 7 am and 6 pm and no business traffic shall be allowed other than the stated hours;
 - C. No activity, material, goods, or equipment indicative of the proposed *use* shall be visible from any public way;
 - D. The proposed *use* shall not be advertised by the display of goods or *signs* on the lot on which the proposed use is located;
 - E. The proposed *use* shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed *use* is located;
 - F. The proposed *use* shall provide adequate off-street parking facilities;
 - G. Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful *Incidental Home Business*, but hence forth, all new *Incidental Home Businesses*, and those existing *Incidental Home Businesses* allowed to lapse for one year or more shall be governed by the foregoing provisions relative to *Incidental Home Businesses*.
- 4. Uses Prohibited
 - A. *Uses* as identified in Table 1 located in the back of the Zoning Ordinance.
 - B. Any other *Uses* determined by the BZA to represent a hazard or unacceptable interference with the quality of life in the neighborhood.

14-2-1107 Residential Lot Standards

Lot Standards	Rural Residential	Low Density Residential	High Density Residential	Multi-Family Residential	Manufactured Home Park
Minimum Lot Area	1 Acre	15,000 ft ²	9,000 ft ²	9,000 ft ²	5 Acres
Minimum Lot Area Width (At Building Line)	100'	100'	75'	75'	300'
Minimum Street Setback	30'	30'	15'	15'	50'
Minimum Rear Setback	30'	30'	15'	15'	50'
Minimum Side Setback	20'	15'	10'	10'	50'
Maximum Building Height	35'	35'	35'	35'	35'
Maximum Impermeable Surface	25% of Lot	50% of Lot	60% of Lot	60% of Lot	25% of Development
Minimum Required Landscape Area	30,000 ft ²	50% of lot	40% of Lot	40% of lot	75% of Development

14-2-1108 RD REDEVELOPMENT

1. Purpose & Intent – The intent of the RD Redevelopment District is to create a dynamic, mixed-use environment, where walking is the predominant mode of transportation; provide for a range of housing choices in close proximity to each other, including vertical mixed use; create land development solutions that are not typically found elsewhere in the Town of Somerville; create quality public spaces that are usable for a variety of public and semi-public activities; create connectivity for pedestrian and vehicular traffic; place *buildings* close to the street, so that streets are defined as “outdoor rooms”; and, enhance all the streetscapes and maximize on-street parking.
2. Uses Permitted – *Uses* as identified in Table 1.
3. Uses Permitted by Appeal – *Uses* as identified in Table 1.
4. Uses Prohibited
 - a. *Uses* as identified in Table 1.
 - b. Manufacturing.
 - c. Any other business determined by the BZA to represent a hazard or unacceptable interference with the quality of life in the neighborhood.
5. Accessory Buildings – *Accessory Buildings* are permissible which are considered to be customarily incidental to the intended use of the *Principal Building*. *Accessory Buildings* shall not be allowed closer to the edge of pavement than the distance between the *Principal Building* and the edge of pavement.
6. Lot Area, Width, Setbacks, Landscape Areas, Building Height, Sidewalks, Landscaping & Building Materials – Due to the unique nature of the Redevelopment District, limitations concerning these attributes shall be considered individually by the Design Review Commission or Planning Commission, with consideration of the purpose and intent of the Redevelopment District.

PART 12

COMMERCIAL DISTRICTS

SECTIONS

14-2-1201 CB Central Business

14-2-1202 LB Limited Business

14-2-1203 GB General Business

14-2-1204 LM Light Manufacturing

14-2-1205 HM Heavy Manufacturing

14-2-1201 CB CENTRAL BUSINESS

1. Intent & Purpose – The regulations governing the CB Central Business District are designed to achieve the following:
 - A. To protect the historic and quaint downtown area of the Town of Somerville from business establishments which would create hazards, offensive noise, vibration, smoke, dust, heavy trucking traffic, or other objectionable influences;

- B. To provide sufficient space for appropriate locations for the transaction of all type of commercial and miscellaneous service activities in beneficial relation to one another;
 - C. To encourage the tendency of small commerce and service entities to concentrate in the historic center of the Town to the mutual convenience and advantage of both consumers and merchants;
 - D. To preserve the character, charm and walkability of Somerville’s historic square anchored by the Fayette County Courthouse.
2. Uses Permitted
- A. Private or *Public* non-manufacturing commercial or service establishments as listed in Table 1 which fit the existing décor and charm of the Central Business District and allow feasible operation within the confines of the existing *structures*, similar replacements, or appropriate renovations.
 - B. Residential Dwelling Units on the second floor of two story *buildings*.
 - C. *Accessory Buildings* customarily incidental to the principal use or *structure*, provided they are not located beside or in front of the *Principal Building*.
3. Uses Permitted on Appeal – Uses as identified in Table 1
4. Prohibited Uses
- A. Manufacturing
 - B. *Uses* as identified in Table 1
 - C. Any business considered by the Planning Commission to present a hazard or unacceptable interference upon the quality of life and enjoyment of the Town.

14-2-1202 LB LIMITED BUSINESS

1. Intent & Purpose – It is the intent of the LB Limited Business District to encourage the formation and continuance of a quiet and uncongested environment for compatible professional business offices together with certain residential and neighborhood commercial uses which will not adversely affect adjacent residential areas.
2. Uses Permitted
- A. All *Uses* permitted in the LDR Low Density Residential District
 - B. Agriculture, limited to; agricultural services, including only veterinary services provided all animals are kept within the Principal Building and landscape and horticultural services
 - C. Finance, Insurance and Real Estate
 - D. Religious Activities
 - E. Pubic Administration, excluding correctional institutions
 - F. Retail, limited to Non-stock retailers
 - G. Services, limited to:
 - i. Personal Services excluding Adult Oriented Establishments
 - ii. Business Services excluding:
 - a. Photo finishing
 - b. Metal and wood fencing, ornamental grill work
 - c. Central laundry dying and dry cleaning works
 - d. Truck terminals
 - e. Research services

- H. Health services, excluding hospitals
 - I. Legal services
 - J. Educational services excluding driving schools
 - K. Social services, limited to child day care services and residential care, including only homes for the aged (assisted living facilities)
 - L. Membership organizations
 - M. Engineering and management services, excluding Research, Development, and Testing Services
 - N. Transportation and Public Utilities, limited to:
 - i. Communications installations or exchanges
 - ii. Electric or gas substations
 - iii. Electric, communication and telephone distribution lines, pole transformers and splice boxes
 - iv. Water storm drainage, and sewer lines, and gas distribution lines with incidental appurtenances but not including major fuel transmission lines
 - O. Right-of-way to all modes of transportation, small landscaped scenically significant open areas, natural reserves
 - P. Accessory Buildings customarily incidental to any aforementioned permitted use provided the accessory building is not a mobile home, manufactured home or modular home as defined in this ordinance
 - Q. Park, playground, playfield
- 3. Uses Permissible on Appeal: None
 - 4. Uses Prohibited: Alternative Financial Services and any other uses or structures not specifically permitted or permissible on appeal in this section.

14-2-1203 GB GENERAL BUSINESS

- 1. Intent & Purpose – It is the intent of the GB General Business District to provide for adequate commerce throughout the Town of Somerville while preserving the integrity of neighborhoods.
- 2. Uses Permitted
 - A. Private or *Public* non-manufacturing commercial or service establishments as listed in Table 1.
 - B. Residential Dwelling Units on the second floor of two story *buildings*.
 - C. Businesses that compound, blend or package cosmetics, toiletries, or personal care products.
 - D. *Accessory Buildings* customarily incidental to the principal use or *structure*, provided they are not located closer to the edge of pavement than the distance between the *Principal Building* and the edge of pavement.
- 3. Uses Permitted on Appeal – *Uses* as identified in Table 1
- 4. Uses Prohibited
 - A. Manufacturing
 - B. *Uses* as identified in Table 1
 - D. Any business considered by the Planning Commission to present a hazard or unacceptable interference upon the quality of life and enjoyment of the Town.

14-2-1204 LM LIGHT MANUFACTURING

1. Intent & Purpose – The LM Light Manufacturing District is designed to provide space for a wide range of manufacturing and related *uses* which conform to a high level of performance standards and have the least objectionable characteristics. These Districts may provide a buffer between Residential or Business Districts and other manufacturing activities, e.g. Restricted Manufacturing Districts, which have more objectionable influences. The General Manufacturing District is designed with the following goals:
 - A. To provide sufficient space in appropriate locations to meet the needs for manufacturing expansion within the Town of Somerville;
 - B. To encourage manufacturing development which is free from hazards to the public health and which is environmentally safe and non-polluting;
 - C. To protect manufacturing activities against congestion, encroachment from incompatible land *uses* and other adverse characteristics;
 - D. To protect adjacent residential and commercial areas from offensive influences; and
 - E. To promote the most efficient and desirable land *use*.
2. Uses Permitted
 - A. Manufacturing enterprises listed in Table 1 that are operated without an undue burden and disturbance to the neighborhood, and free from environmental and community hazards.
 - B. *Accessory Buildings* customarily incidental to the principal *use* or *structure*, provided they are not located beside or in front of the *Principal Building*.
3. Uses Permitted on Appeal – *Uses* as identified in Table 1
4. Uses Prohibited
 - A. Manufacturing enterprises that have inherent *deleterious* effects on the neighborhood and/or the Town of Somerville by reasons of volume of raw materials or freight, scale of operation, types of *structures* required, or because of their very nature which may include harmful or questionable releases into the surrounding environment, including but not limited to excess noise, fumes, noxious emissions, or other such undesired effects.
 - B. Residential Dwellings.
 - C. *Uses* as identified in Table 1
 - D. Any business considered by the Planning Commission to present a hazard or unacceptable interference upon the quality of life and enjoyment of the Town.

14-2-1205 HM HEAVY MANUFACTURING

1. Intent & Purpose – The HM Heavy Manufacturing District is designed to provide space for a wide range of manufacturing and related *uses* which by reasons of volume of raw materials or freight, scale of operation, type of structures required, or because of their very nature, have a *deleterious* effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; or other similar characteristics requiring locations relatively well segregated from other *uses*.

2. Uses Permitted – Due to the very nature of entities that are expected to be permitted within the Heavy Manufacturing District, all usage of these Districts must be approved by the Board of Zoning Appeals.
3. Uses Permitted by Appeal
 - A. Manufacturing Enterprises that have the capability and probability of emitting problematic concerns, whether environmental, perceptible, or social, but without unacceptable disturbance or hazards away from close proximity to the site.
 - B. *Uses* as identified in Table 1
 - C. *Junkyards & Salvage Yards*
 - D. *Alternative Financial Services*
 - E. *Adult Oriented Establishments (“AOE”)* – The following provisions apply to all *AOE’s* operating within the Town of Somerville:
 - i. An *AOE* may not be established within 500 feet of the following:
 - a. A *church*, synagogue, mosque, temple or building which is used primarily for religious worship, and related religious activities;
 - b. A *public* or private *Educational Facility*;
 - c. The boundary of any Residential District;
 - d. An occupied residential dwelling;
 - e. A *public* or private park or recreational area which has been designed for park or recreational activities, including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle paths, wilderness area, or other similar feature;
 - f. An entertainment business which is oriented primarily toward children or family entertainment;
 - g. Any other *AOE*.
 - ii. No more than one *AOE* shall be operated, established, or maintained in the same *building, structure, or portion* thereof.
4. Uses Prohibited
 - A. Residential Dwellings
 - B. Any entity considered by the Planning Commission to present a hazard or unacceptable interference upon the quality of life and enjoyment of the Town.

PART 13

PLANNED UNIT DEVELOPMENT – PUD

SECTIONS

14-2-1301 Intent & Purpose

14-2-1302 Consistency with the Town Plan

14-2-1303 Applicability of PUD Utilization

14-2-1304 Coordination with Subdivision Regulations

14-2-1301 INTENT & PURPOSE – The purpose of the Planned Unit Development (PUD) is to allow creative planning and advantageous synergism within Districts as established within this Zoning

Ordinance through the application of flexible and diversified land development techniques under comprehensive plans and programs. This procedure is intended to provide opportunities for more efficient utilization of land than would otherwise be the case under the conventional provisions of the Zoning Ordinance. Additionally, the appropriate use of Planned Unit Developments requires a high level of scrutiny and consideration for the protection and preservation of environmentally sensitive lands, well planned living, working, shopping, and leisure activities, and availability of services through properly planned utilities and streets. PUDs are intended to be the vehicle for the application of new techniques and technology to community development. The PUD is not intended as a mechanism for blanket reduction of *setbacks*, density levels, and other factors that could be in conflict with the established Districts within the Town of Somerville. The objective of PUDs is to achieve excellence in physical, social and economic planning by including:

1. An orderly and creative arrangement of all land uses with respect to each other and to the entire community;
2. A comprehensive transportation network providing for separation of pedestrian and vehicular traffic;
3. The provision of recreational facilities;
4. Efficient use of land resources and conservation of environmentally sensitive areas;
5. The provision of well-designed and meaningful open space; and
6. The staging of development in a manner that can be accommodated by the timely provision of public utilities, facilities and services.

14-2-1302 CONSISTENCY WITH THE TOWN PLAN – No PUD shall be approved unless the proposal is found to be consistent with the current Town Plan or established Comprehensive Plan for the Town of Somerville and any adopted special Master Plan for the area in which the development is proposed. The Planning Commission shall adjudicate the consistency of any proposed PUD and determine that all proposed PUDs shall be:

1. Consistent with the generally recognized plan for the Town of Somerville and with the Comprehensive Plan once such Comprehensive Plan is approved;
2. Compatible with development permitted under the general development provisions of this Zoning Ordinance; and
3. Compatible with the use and enjoyment of other land in the vicinity.

14-2-1303 APPLICABILITY OF PUD UTILIZATION – PUDs shall be established and approved by the Town of Somerville Board of Mayor and Aldermen following review by the Planning Commission and based upon the general District guidelines within which a PUD may be located. PUDs may be appropriately allowed within any District established through this Zoning Ordinance and may be designed to integrate residential and commercial usages within the proposed PUD. The granting of a PUD permit by the Town of Somerville Board of Mayor and Aldermen does not alter in any manner the existing zoning district classification except that building permits shall not be issued unless in conformity pursuant to an approved PUD permit and development agreement.

14-2-1304 COORDINATION WITH SUBDIVISION REGULATIONS

1. Coordination with Subdivision Regulations – The unique nature of each proposal for a PUD 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 from requirements stated in the Subdivision Regulations may be incorporated following review of the Somerville Planning Commission and ultimate approval of the Town of Somerville Board of Mayor and Aldermen. It is the intent of this Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a PUD; therefore, the Site Plan must be submitted in a form which will satisfy the requirements of the Subdivision Regulations and the PUD approval process.
2. Application for PUD Permit - Each application for a PUD shall be submitted in accordance with requirements of this Zoning Ordinance and the requirements set forth in the Subdivision Regulations.
3. Waiver of Board of Zoning Appeals Action – No action of the Board of Zoning Appeals shall be required in the approval of a Planned Unit Development.
4. Pre-Application Conference - Prior to submitting an application and Site Plan, the applicant shall schedule a pre-application conference with the Town Representative to discuss various aspects of the project and start the communication process which should lead to a successful application, ensuring adequate information will be presented to the Town to facilitate a smooth approval process.
5. Deliberation & Approval Process – Procedures established within the Subdivision Regulations shall be utilized during the Deliberation & Approval Process, thereby concurrently processing applications for PUD’s and resulting Subdivisions.
6. PUD Amendment – Following approval by the Town, a PUD may be amended in accordance with the entire procedure which governed its original approval.
7. Ownership & Division of Land – No tract of land may be considered for or approved as a PUD unless such tract is under the single ownership of a landowner, or has fully executed a Purchase Agreement for purchase of the property, contingent upon PUD approval. For the purpose of PUD consideration, a person, partnership, corporation, association or any other legal entity entitled to own property, or any governmental agency shall be considered landowners. Unless otherwise provided as a condition of PUD approval, the landowner of an adopted PUD may divide and transfer parts of such development. The successor shall complete each section and use and maintain it in strict conformance with the final Development Plan.
8. Common Open Space & Facilities – Assurance of adequate planning and legal dedication shall be required for all Common Spaces in PUD’s. The Site Plan shall show how Common Spaces shall be maintained with the requirement that all Common Spaces shall remain within their intended and permitted use for the duration of the PUD.
9. Landscape Areas – A minimum area of 40% of the entirety of all PUD’s shall be preserved as Landscape Area.
10. Dedication of Public Facilities – The Town of Somerville 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.

11. Adverse Off-Site Effects – In addition to other considerations, the Town of Somerville Board of Mayor and Aldermen shall require all applicants to ensure protection for surrounding areas from potentially adverse influences as a result of the establishment of the PUD which could include factors such as storm water, water and sewer facilities, streets, noise and other environmental considerations.
12. Site Accessibility – All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the PUD, 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 Town. There shall be at least two points of egress and ingress from a public street.
13. 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. Parking and Service Areas may be required to have appropriate Screening.
14. Pedestrians – Pedestrian traffic systems shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.
15. Privacy – Reasonable visual and acoustical privacy shall be provided for dwelling units within and adjacent to the PUD. 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 fencing, insulation, natural foliage, berms and landscaped barriers.

PART 14
COMMUNICATION TOWERS

SECTIONS

- 14-2-1401 Intent & Purpose
- 14-2-1402 Permitted Locations
- 14-2-1403 *Setbacks*
- 14-2-1404 *Shared Use*
- 14-2-1405 Type
- 14-2-1406 Structural Requirements
- 14-2-1407 Maximum Height
- 14-2-1408 Co-Located Towers & Antennas
- 14-2-1409 Lighting
- 14-2-1410 Security
- 14-2-1411 Removal of Obsolete Towers

14-2-1401 INTENT & PURPOSE – The purpose of establishing requirements for Communication Towers shall be to provide a suitable area for Communication Towers which will fulfill the local need for such *structures* without introducing visual clutter and hazardous situations within the Town of Somerville.

14-2-1402 PERMITTED LOCATIONS – Communication Towers may be permitted as special exceptions by the Board of Zoning Appeals, limited to sites located in RR, RD, LM, or HM Districts

14-2-1403 SETBACKS – All towers and accessory structures shall be set back from the lot line a distance equal to the height of the structure.

14-2-1404 SHARED USE

1. The shared use of existing towers or *structures* shall be required. The applicant’s proposal for a new communications tower shall not be approved unless the applicant can prove that the proposed equipment cannot be accommodated on an existing or approved tower or *structure* located within a minimum distance of one mile of the proposed tower due to one of the following reasons:
 - A. The planned equipment would exceed the structural capacity of the existing or approved tower or *structure* and said tower or *structure* does not have the capability to be upgraded;
 - B. The planned equipment would cause radio frequency interference with other existing or planned equipment;
 - C. The planned equipment would not function effectively and reasonably on an existing tower or *structure*;
 - D. Geographic service requirements would prevent the co-use of an existing tower or *structure*.
2. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of 3 fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility *structure*. The applicant shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees in writing to pay any reasonable rate for the shared use.

14-2-1405 TYPE – All new towers over 60 feet in height shall be of mono-pole type construction. No lattice type antennas or towers over 60 feet in height shall be permitted.

14-2-1406 STRUCTURAL REQUIREMENTS – The applicant shall provide written certification from a licensed engineer that the tower is able to withstand winds of a minimum of 70 miles per hour with 0.5 inch radial ice.

14-2-1407 MAXIMUM HEIGHT

1. No tower shall exceed a height of 195 feet.
2. In instances when a tower is to be co-located upon an existing utility *structure*, which is defined as a power line *structure* or an existing water tower, the maximum tower height shall not exceed the height of the *structure* plus 20 feet.

14-2-1408 CO-LOCATED TOWERS & ANTENNAS – The co-location of towers and antennas shall only be permitted on existing and proposed communication towers and *public* utility structures consisting of power line structures or water towers in excess of 35 feet in height.

14-2-1409 LIGHTING – No artificially lighted tower shall be permitted. If the proposed tower is required to be lighted by any applicable statute or ordinance, then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting. Outside lighting of *structures*, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and *public* streets and does not exceed 0.4 foot candles measured at the property line, easement line or abutting properties zoned for residential use.

14-2-1410 SECURITY – The tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of 8 feet or the height of the accessory *structures*, whichever is greater.

14-2-1411 REMOVAL OF OBSOLETE TOWERS

1. Any tower that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the Town with a copy of the notice of intent to the FCC to cease operations and shall be given 90 days from the date of the ceasing of operations to remove the tower and all accessory *structures*, provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.
2. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility *structure*, a surety instrument (i.e. irrevocable letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the Town of Somerville prior to approval by the Planning Commission during the review process.

**PART 15
ENFORCEMENT**

SECTIONS

14-2-1501 Enforcing Officer

14-2-1502 *Building* Permit

14-2-1503 Certificate of Occupancy

14-2-1504 Penalties

14-2-1501 ENFORCING OFFICER – The provisions of this Zoning Ordinance shall be administered and enforced by a *Building* Inspector, appointed by the chief legislative body, who shall have the power to make inspections of *buildings* or premises necessary to carry out his duties in the enforcement of this Zoning Ordinance.

14-2-1502 BUILDING PERMITS

1. *Building* Permit Required – It shall be unlawful to commence the excavation or filling of any lot for the construction of any *buildings*, including *Accessory Buildings*, or to commence the moving or alteration of any *building*, including *Accessory Buildings*, until the *Building* Inspector has issued a *Building* Permit for such work.
2. Issuance of a *Building* Permit – In applying to the *Building* Inspector for a *Building* Permit, the applicant shall submit a Site Plan as defined in this Zoning Ordinance. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Zoning Ordinance and other ordinances of the Town of Somerville 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 cause.
 - A. The issuance of a *Building* Permit shall in no case be construed as waiving any provisions of this Zoning Ordinance.
 - B. A *Building* Permit shall become void 6 months from the date of issuance unless substantial progress has been made by that date on the project described therein.

14-2-1503 CERTIFICATE OF OCCUPANCY – No land, *building* or part thereof hereafter erected or altered in its *use of structure* shall be used 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 Zoning Ordinance. Within 3 days after 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 and the proposed use thereof are found to conform with the provisions of this Zoning Ordinance, or, if such certificate is refused, to state such refusal in writing with the cause.

14-2-1504 PENALTIES – Any person violating any provisions of this Zoning Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$2 or more than \$50 for each offense. Each day such violation shall continue constitutes a separate offense.

PART 16
PERMIT & FEE SCHEDULE

- 14-2-1601 *Building* Permit
- 14-2-1602 Construction Initiation Without Permit
- 14-2-1603 *Sign* Permit
- 14-2-1604 Excessive Calls Fee
- 14-2-1605 *Manufactured Home* Park License Fee
- 14-2-1606 Rezoning & Petition for Zoning Ordinance Amendment Fee

14-2-1601 BUILDING PERMIT

1. Accessory Building Permit – A sketch of the proposed *Use* indicating adherence to all applicable Lot Standards shall accompany the permit application. The Fee for *Accessory Buildings* shall be \$50/inspection as determined by the *Building* Inspector’s review of the application.
2. Single Family & Duplex Building Permit – A set of plans showing the proposed *Use* indicating adherence to all applicable Lot Standards shall accompany the permit application. The Fee for these *Uses* shall be \$250 plus \$50/inspection as determined by the *Building* Inspector’s review of the application.
3. Multifamily Residential Building Permit – A Site Plan shall accompany the permit application. The Fee for these *Uses* shall be \$250 plus \$50/inspection fee as determined by the *Building* Inspector’s review of the application.
4. Non-Residential Building Permit - A Site Plan shall accompany the permit application. The Fee for these *Uses* shall be \$250 plus \$60/inspection fee as determined by the *Building* Inspector’s review of the application.
5. Government-Owned Building Permit – A Site Plan shall accompany the permit application; however no Fee shall be charged.
6. Relocation – A sketch of the proposed *Use* indicating adherence to all applicable Lot Standards shall accompany the permit application for the relocation of any *building*. The Fee shall be \$50/inspection as determined by the *Building* Inspector.
7. Replacement – Replacement of a *building* destroyed by fire, war, civil disturbance, or natural disaster – 50% Reduction from normal fees
8. Manufactured Homes - A sketch of the proposed *Use* indicating adherence to all applicable Lot Standards shall accompany the permit application. The Fee shall be \$50.
9. Single Story Double-wide Modular Homes – A sketch of the proposed *Use* indicating adherence to all applicable Lot Standards shall accompany the permit application. The Fee shall be \$100.

10. Single Story Triple-wide Modular Homes – A sketch of the proposed *Use* indicating adherence to all applicable Lot Standards shall accompany the permit application. The Fee shall be \$150.
11. All Other Modular Homes – A sketch of the proposed *Use* indicating adherence to all applicable Lot Standards shall accompany the permit application. The Fee shall be \$50/inspection as determined by the *Building* Inspector.
12. Agricultural Buildings – A sketch of the proposed *Use* indicating adherence to all applicable Lot Standards shall accompany the permit application; however there shall be no Fee.

14-2-1602 CONSTRUCTION INITIATION WITHOUT PERMIT – The Fee charged for initiating construction of *buildings* or *structures* without the required permit shall be double the normal fees per occurrence for that particular *Use*.

14-2-1603 SIGN PERMIT – A sketch of the proposed *Use* shall accompany the permit application. The Fee for this *Use* shall be \$1/ft² with a minimum charge of \$25, with the exception of *Off-Premise Signs, Portable Sidewalk Signs* and *Suspended Awning Signs*, which will be charged a \$1 permit fee.

14-2-1604 EXCESSIVE CALLS FEE – If an inspection fails due to violations of the applicable Codes & Ordinances; or the work is incomplete; or the site is improperly addressed; or there are any other irregularities that would prevent the approval of the requested inspection; then an additional fee of \$50 shall be charged for the first re-inspection, and for each additional inspection necessary until the violation is corrected.

14-2-1605 MANUFACTURED HOME PARK LICENSE FEE – Every *Manufactured Home Park* shall pay an annual fee of \$50 for the first 20 spaces plus \$5 for each additional space, which shall be due and payable on January 31.

14-2-1606 REZONING & PETITION FOR ZONING ORDINANCE AMENDMENT FEE – \$250

PART 17 DEFINITIONS

This Section provides definitions for terms in this Zoning Ordinance that are technical in nature or that otherwise may not reflect a common usage of the term. Interpretations of the definitions and terminology that are either within this section or not included will be made by the Town Planner.

Accessory – An activity, *use, building, or structure* that is customarily associated with and is appropriately incidental and subordinate to a *principal use, building, or structure* and located in the same lot.

Accessory Building – A subordinate *building* or *structure* detached from the *Principal Building*, located on the same lot, permanently attached to the ground, and customarily incidental and subordinate to the *Principal Building*. Swimming pools are considered *Accessory Buildings*.

Acquired Diameter Inches – Refers to the cumulative diameter of *trees* in a specified area, with all *trees* receiving a minimum score of 8, e.g. one 24” diameter *tree* and one 4” diameter *tree* in an area would have 32 *Acquired Diameter Inches*.

Adult Oriented Establishment (“AOE”) – Shall have the same meaning as the term “adult-oriented establishment” as used in TCA 7-51-1102, and, in construing the term, the definitions contained in TCA 7-51-1102, subsections (1) through (6) and (9) through (26), are likewise incorporated by reference into and made a part of this ordinance; provided that the definition in subsection (1) defining “adult bookstore” shall be amended by deleting “principal and predominate” and replacing it with “significant or substantial”; subsection (2) defining “adult cabaret” shall be amended by deleting “principal use” with “substantial use”; subsection (3) defining “adult entertainment” shall be amended by deleting “principal or predominant theme” and replacing it with “significant or substantial theme”; and subsection (23) defining “sexual encounter center” shall be amended by deleting “primary” and replacing it with “substantial.”

Alternative Financial Services - Establishments that (a) are not licensed by an appropriate state or federal agency as a bank, savings and loan association, or credit union, industrial loan and thrift office, insurance premium finance company, or mortgage company; (b) are regulated by the Tennessee Department of Financial Institutions; and (c) categorized for purposes of this Zoning Ordinance as: (1) “Title Pledge Lenders” as defined at TCA 45-15-103; or (2) “Deferred Presentment Services” as defined at TCA 45-17-102; or (3) “Check Cashers” as defined at TCA 45-18-102 except that “Check Cashers” do not include Check Cashers exempt from state regulation pursuant to TCA 45-18-103; or (4) any combination of Alternative Financial Services which include, but are not limited to, “Title Pledge Lenders,” “Deferred Presentment Services” and/or “Check Cashers” as defined herein.

Awning – A secondary covering attached to the exterior wall of a *building*. It is typically composed of canvas, cotton, polyester, yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light *structure* of aluminum, iron, or steel. Location of an *awning* on a *building* may be above a window, a door, or above the area along a sidewalk.

Awning Valance – A short (≤ 12 ”) extension of an *awning* extending down from the *awning* the full width of the *awning* and made of the same material as the *awning*

Building – Any *Structure* constructed or *Used* for residence, business, industry, or other *public* or private purposes, or *Accessory* thereto, and including tents, dining cars, trailers, *Manufactured Homes*, *Signs*, and similar *Structures* whether stationary or movable.

Canopy Tree – A woody plant with a minimum diameter of 2” as measured 12” above the ground that normally achieves an overall height at maturity of greater than 30 feet.

Church – A building, together with its *accessory buildings* and *uses*, that by design and construction are primarily intended for conducting organized religious services and associated *accessory uses*.

Cul-de-sac – The turnaround at the end of a dead-end street.

Deleterious – Refers to any use, product, material, or entity that would normally require special precautions during storage, transport, or assembly as a result of being composed of materials that may present a hazard to the public safety and well-being. *Deleterious* should not be confused with Dangerous. For example, a knife could be considered dangerous depending upon usage, but it would not be *Deleterious*. Hydrochloric Acid would be considered *Deleterious*. A firearms store would not be considered *Deleterious*, but an ammunition plant would be considered *Deleterious*.

Detached Accessory Dwelling – A detached dwelling unit separate from and subordinate to the *Principal Building*.

Diameter at Breast Height (DBH) – A standard method of documenting *tree* size by measuring the diameter of a *tree* approximately 4.5 feet above the ground.

Educational Facility – Any facility whose use is primarily educational in nature, either *public* or private. The Educational Facility includes school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school or *educational facility*.

Impermeable Surface – Any surface that cannot be easily penetrated by water, mainly composed of artificial coverings such as pavement, *buildings*, driveways, stone, wood, or concrete

Incidental Home Business – A business, profession, occupation or trade conducted for gain or support entirely within a residential *building* which is incidental and secondary to the use of such *building* for dwelling purposes and which does not change the essential residential character of such *building*.

Junkyard – Outdoor storage on a single lot in a residential district of any manufactured or processed item or material that is in such condition as to be considered inoperable; or outdoor storage on a single lot in a nonresidential district of more than 3 manufactured or processed items or materials that are in such condition as to be considered inoperable.

Manufactured Home – A *structure* which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the *structure*.

May – Permissive

Modular Home – A residential dwelling manufactured off-site without a permanent chassis, but with the necessary electrical, plumbing, heating, ventilating and other service systems, and transported to the point of use for installation or erection, with or without other specified components, as a finished building.

Multifamily Residential – A classification of housing where more than two separate housing units for residential inhabitants are contained within one *building* or several *buildings* within one complex. Examples include apartment complexes and *townhouses*.

Non-Conforming Use – The lawful *use* of a *building* or *structure* or of a tract of land which does not conform to any one or more of the applicable *use* regulations of the district in which it is located, but which did conform to the applicable *use* regulations when the *use* was initiated.

Permeable Surface – Any surface that allows easy infiltration of water into the sub-soil. *Permeable surfaces* include such materials as exposed non-compacted soil, vegetation, non-compacted gravel without aggregate, or any other material that allows passage of water through said material.

Principal Building - A *building* that contains the principal activity or *use* located on a lot.

Privacy Fence – A visually obstructive solid fence, higher than 4 feet.

Public – Government-owned or related

Rear Lot Line- For the purposes of defining the rear setback, the rear lot line is defined as one line. In the case of a rectangular lot, the rear lot line is defined as the line parallel to the front lot line, and furthest away from the front lot line. With regard to cove lots, irregularly shaped lots, or lots with 5 or more lot lines, the rear lot line (for purposes of defining the rear setback only), is a 10' long line parallel to a line through both front corner markers, and as far away from the front of the lot as possible while still being contained within the lot.

Salvage Yard – Any establishment, place of business, or property which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled vehicles, machinery, appliances, structures or parts thereof; or any business establishment or property upon which 6 or more unlicensed, used vehicles, or the equivalent, which cannot be operated under their own power are kept or stored.

Setback – The minimum horizontal distance by which any *building* or *structure* must be separated from a lot line, or in the case of street frontage, the distance from the edge of pavement of the street.

Shall - mandatory

Shrub – A woody plant that normally has several trunks and rarely achieves an overall height at maturity of greater than 15 feet.

Sign – Any object, device, graphic design or part thereof, situated outdoors or indoors and which object, device, graphic design or the effect produced is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, sound and projecting images. Any *sign* requiring a permit is considered to be a *structure*. The following types of *signs* are recognized and specifically defined within this Zoning Ordinance:

Abandoned Sign – Any *sign* which identifies or advertises an entity which is no longer available at the indicated location or no longer available on the premises or for which no legal owner can be found.

Attached Sign – Any *Permanent Sign* which is affixed directly to or otherwise inscribed or painted on a wall, parapet, *awning*, *canopy*, or similar attached device of any *building* with the exposed face of the *sign* in a plane approximately parallel to the plane of such wall or device and extending therefrom less than 12 inches.

Awning Sign – A *Permanent Sign* painted on, printed on, or attached flat against the surface of an *awning* or *canopy* projecting from and supported by the exterior wall of a *building*. An *Awning Sign* is a type of *Attached Sign*.

Banner Sign – A *Temporary Sign* made of vinyl, fabric or other generally flexible material and attached to a frame on more than one side.

Billboard – Any *Off-Premise Sign* that is >125 ft² and the bottom of the *sign* is higher than 8 feet above the ground.

Campaign Sign – A *sign* that is designed to influence issues subject to public voting.

Canopy Sign – Same as *Awning Sign*

Incidental Home Business Sign – Any *sign* advertising an *Incidental Home Business*.

Marquee Sign – An *awning*, *canopy*, or roof-like projected *Permanent Sign* that stands perpendicular to the ground and is normally anchored at its base. A *Marquee Sign* is a type of *Attached Sign*.

Mobile Sign – Any *sign* mounted on wheels or chassis or similarly constructed in a manner that would allow easy relocation to an alternate site.

Obsolete Sign – Same as *Abandoned Sign*

Off-Premise Sign – A *sign* not located on the property that it advertises.

On-Premise Sign – A *Permanent Sign* located on the subject property, but not attached to the *building* that it advertises.

Pennant Sign – A *Temporary Sign* made with flexible material and attached on one side only with a frame, allowing movement in the wind.

Permanent Sign – A *sign* permanently anchored to a *building* or support *structure*, or attached to the ground utilizing a footing. *Permanent Signs* shall not be made of canvas, vinyl, paper products, or other flexible material that may move or wave in the wind.

Portable Sidewalk Sign – A portable, light *sign*, normally constructed in a “sandwich-type” manner that may be placed in front of a business during working hours.

Projecting Sign – A *Permanent Sign* which is attached to and projects perpendicular from a *building*.

Real Estate Sign – A *Temporary Sign* used for the sole purpose of displaying information regarding the sale, rental or lease of any Real Property.

Suspended Awning Sign – A *sign* suspended from an *awning* or *canopy*, displayed perpendicular to the plane of the *building* and being a minimum of 8 feet above the ground.

Temporary Sign – A *sign* affixed to the ground without a prepared footing, or affixed to a permanent *structure* by temporary means, such as rope, wire, or other easily removable support and includes all *signs* made of flexible material such as canvas, vinyl or various paper products allowing some movement with the wind.

Vehicular Sign – Any *sign* painted or attached onto a vehicle not in operable condition and parked continuously in one location with the purpose of advertisement of any sort.

Street Setback - The minimum horizontal distance by which any *building* or *structure* must be separated from the closest street frontage as measured from the edge of pavement.

Structure – Anything constructed or erected, the *use* of which requires a permanent location on the ground or attachment to something having a permanent attachment to the ground.

Townhouse – A *Multifamily Residential* dwelling attached to at least two or more such units in which each unit has its own access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical fire-resistant walls.

Tree – A woody plant with a minimum diameter of 2” as measured 12” above the ground that normally achieves an overall height at maturity of greater than 15 feet.

Understory Tree – A woody plant with a minimum diameter of 2” as measured 12” above the ground that normally has a single trunk and achieves an overall height at maturity of 15-30 feet.

Use – The purpose for which land, water, or a *structure* thereon is designed, arranged and intended to be occupied or utilized or for which it is occupied or maintained.

Use by Right – Any *Use* that is listed as permissible within the applicable District.

Writ of Certiorari – A form of judicial review whereby a court is asked to consider a legal decision made by a governmental entity and decide if the decision was regular and complete, if there has been an error of law, if the entity had the power to make the decision complained of, or whether the entity exceeded its powers in issuing said decision.

Table 1: Permitted Zoning Uses

✓ = Permitted A=Appeal X = Prohibited

	Rural Residential	Low Density Residential	High Density Residential	Multifamily Residential	Mobile Home Park	Redevelopment District	Central Business	General Business	Light Manufacturing	Heavy Manufacturing
Commercial Uses	RR	LDR	HDR	MFR	MHP	RD	CB	GB	LM	HM
Adult Oriented Establishments	X	X	X	X	X	X	X	X	X	✓
Agricultural Production	✓	A	A	A	A	A	A	A	A	A
Alternative Financial Services	X	X	X	X	X	X	X	X	X	A
Bail Bond Services	A	X	X	X	X	A	✓	✓	X	X
Deleterious Product Sales	X	X	X	X	X	X	X	X	X	A
Junk Yard	A	X	X	X	X	X	X	X	X	A
Recycling Collection Facility	A	X	X	X	X	X	X	A	A	A
Salvage Yard	A	X	X	X	X	X	X	A	A	P
Tattoo Parlor	X	X	X	X	X	X	X	X	X	P
All Other Sales, Service & Offices	A	A	A	A	A	A	✓	✓	A	A
Civic Uses	RR	LDR	HDR	MFR	MHP	RD	CB	GB	LM	HM
Administrative Services	X	X	X	X	X	A	✓	✓	X	X
Aviation Facilities	X	X	X	X	X	X	X	✓	X	X
Cemeteries	A	A	A	A	A	A	A	A	A	A
Churches	A	A	A	A	A	A	A	A	X	X

	Rural Residential	Low Density Residential	High Density Residential	Multifamily Residential	Mobile Home Park	Redevelopment District	Central Business	General Business	Light Manufacturing	Heavy Manufacturing
Civic Uses (Cont.)	RR	LDR	HDR	MFR	MHP	RD	CB	GB	LM	HM
Communication Service Facilities	X	X	X	X	X	A	✓	✓	X	X
Congregate Living	X	X	X	X	X	A	-	A	X	X
Convention Center	X	X	X	X	X	A	A	A	X	X
Correctional Institutions	X	X	X	X	X	X	X	X	A	A
Day Care	A	A	A	A	A	A	✓	✓	X	X
Funeral Home	A	X	X	X	X	A	A	A	X	X
Library	A	X	X	X	X	A	A	A	X	X
Medical Facilities	A	X	X	X	X	A	A	A	X	X
Membership Organizations	X	X	X	X	X	A	A	A	X	X
Museum	A	X	X	X	X	A	A	A	X	X
Parks & Recreation	A	A	A	A	A	A	A	A	A	A
Postal Facilities	X	X	X	X	X	A	A	A	X	X
Schools	X	X	X	X	X	A	A	A	X	X
Telecommunication Towers	A	X	X	X	X	X	X	X	A	A
All Other Civic Uses	A	A	A	A	A	A	A	A	A	A

*Limited Business District (LB) Permitted Uses are referenced in Section **14-2-1202 LB Limited Business**

This Ordinance shall take effect immediately upon publication of the caption.

Passed on First Reading: June 13, 2017

Passed on Second Reading: September 11, 2017

Ronnie Neill, Mayor

Attest: Robert D. Turner, City Administrator