

Zoning Ordinance
Somerville, Tennessee

Readopted January 25, 2005

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Somerville Municipal Planning Commission

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CHAPTER I

MUNICIPAL PLANNING COMMISSION

SECTION

14-101 Creation and Membership

14-102 Organization, rules, staff, and finances

14-103 Powers and Duties

14-101 Creation and Membership. Pursuant to the provisions of Section 13-501 of the Tennessee Code Annotated, there is hereby created a municipal planning commission, hereinafter referred to as the Planning Commission. The planning commission shall consist of five (5) members; two (2) of these shall be the Mayor and another member of the Board of Mayor and Aldermen selected by the Board of Mayor and Aldermen; the other three (3) members shall be appointed by the Mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the Mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the Mayor and the member selected from the Board of Aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor, and he shall have power to remove any appointive member at his pleasure.

14-102 Organization, Rules, Staff and Finance. The planning commission shall elect its chairman from amongst its appointive members. The term of chairman shall be one (1) year with eligibility for re-election. The commission shall adopt rules for the transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Mayor and Aldermen.

14-103 Powers and Duties. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Title 13 of the Tennessee Code Annotated.

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CHAPTER 2

TITLE AND PURPOSE

SECTION

14-201 Title

14-202 Purpose

14-201 **Title.** Chapters 2 through 12 of this title shall be known as the “Zoning Ordinance of the Town of Somerville, Tennessee. The Map herein referred to, which is identified by the title **as the most recent** “Zoning Map of Somerville, Tennessee” **on file, dated 8/14/97,** and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

14-202 **Purpose.** The zoning regulations and districts as herein set forth have been made in accordance with comprehensive plan for the purpose of promoting the public health, safety, morals and convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of building and encouraging the most appropriate use of land through the town.

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CHAPTER 3 GENERAL PROVISIONS

SECTION

- 14-303 Provisions Apply to Whole Town
- 14-304 Definitions
- 14-303 Zoning Affects Every Building and Use
- 14-304 Continuance of Non-Conforming Use
- 14-305 Only One Principal Building on Any Lot
- 14-306 Reductions in Lot Area Prohibited
- 14-307 Off-street Automobile Storage
- 14-308 Required Yard Cannot be Used by Another Building
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- 14-315 Signs
- 14-316 Landscaping Requirements
- 14-317 Manufactured Home Regulations
- 14-318 Site Plan
- 14-319 Standards for Communication Towers

14-301 **Provisions Apply To Whole Town** – For the purpose of this ordinance, there shall be certain general provisions which shall apply to the town as a whole.

14-302 **Definitions** – Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word “shall” is mandatory, not directory.

Administrator – refers to the Federal Insurance Administrator, to whom the Director has delegated the administration of the Program.

Alley – Any public or private way set aside for public travel, twenty (20) feet or less in width.

Area of Building – The area of the first floor of a building including finished attic, finished basements, covered porches and attached garages or carports.

Base Flood – See one-hundred year flood.

Building – Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, billboards, signs and similar structures whether stationary or movable.

- (a) **Principal Building** – A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.
- (b) **Accessory Building** – A subordinate building, the use of which is incidental to that of a principal building on the same lot. Swimming pools shall be considered accessory buildings in residential districts.

Clinic – A facility for the examination and treatment of ill and afflicted human outpatients provided, however, those patients are not kept overnight except under emergency conditions.

Condominium-residential – A multi-family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development. This use shall be considered a multiple family development as defined in this ordinance.

Dwelling, Multi-Family – A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided multiple-family dwellings shall also include condominium and zero lot line developments developed in conformity with this ordinance.

Dwelling, Single-Family – A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Two-Family – A detached residential dwelling unit other than a mobile home, designed for and occupied by two families only.

Dwelling Unit – One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other room or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

Family – One or more persons occupying premises and living as a single, nonprofit housekeeping unit.

Flood – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) – means an official map of a community issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) and flood-related erosion areas having special hazards have been designated as zone A, M, and/or E,

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

Flood Insurance Study – The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodplain – A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwater, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this Ordinance, the land subject to inundation by the 100-year flood (i.e. the 100 year flood plain).

Floodproofing – Any combination of structural or non-structural additions, changes, or adjustments which reduced or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

Floodway – The stream channel and the portion of the adjacent flood plain which must be reserved solely for the passage of floodwater in order to prevent an increase in upstream flood heights of more than one (1) foot above predevelopment conditions.

Floodway Fringe Area – Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

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

Junk Yards – 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 three (3) manufactured or processed items or materials that are in such condition as to be considered inoperable.

Lot – A piece, parcel or plat of land under single ownership which may include one (1) or more lots of record, occupied or to be occupied by building and accessory building and including the open spaces required under this ordinance. All lots shall front on and have access to a street.

(a) **Lot line** – A boundary dividing a given lot from a street, an alley, or adjacent lots.

(b) **Lot of Record** – A lot, the boundaries of which are filed as a legal record

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

Mean Sea Level – means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD.)

Message Therapist – Any person holding a license issued by the State of Tennessee to practice massage therapy or a massage establishment.

Mobile Homes – A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame wheels, to be used with or

without a permanent foundation for a permanent occupancy but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this Ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

(a) For the purpose of interpreting the term “mobile home” as the term is used within the Flood Hazard District section it shall also include, though only herein, park trailers, travel trailers, manufactured homes, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

(b) **Mobile Home Park** – any plat or piece of ground or property on which two or more mobile homes, as defined here within, are parked for occupancy as dwelling units.

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

New Construction – means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

Nonconforming Structure – A structure which was lawfully constructed prior to enactment, or amendment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

Nonconforming Use – A use of a building or of land lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

One-Hundred Year Flood – A flood which has on the average a one percent chance of being equaled or exceeded in any given year.

Sexually Oriented Businesses

Adult Arcade – means any place of which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

Adult Bookstore, Adult Novelty Store or Adult Video Store – means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) Books, magazine, periodicals or other printed matters, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas”, or,

(b) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for any form of consideration the specified materials which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas.”

Adult Cabaret – means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (a) persons who appear in a state of nudity or semi-nude; or,
- (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
- (c) films, motion pictures, video cassettes, slides or other photographic reproductions which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas.”

Adult Motel – means a hotel, motel or similar commercial establishment which:

- (a) offers accommodations to the public for any form of consideration’ provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which regularly depicts material which distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas”, and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or,
- (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or,
- (c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater – means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which regularly depicts materials which is distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas.”

Adult Theater – means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by an emphasis on the exposure of “specified anatomical area” or by “specified sexual activities.”

Employee - means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or

not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business.

Escort -means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency - means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment - means and includes any of the following:

- (a) the opening or commencement of any sexually oriented business as a new business;
- (b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (c) the additions of any sexually oriented business to any other existing sexually oriented business; or,
- (d) the relocation of any sexually oriented business.

Licensee - means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

Massage Parlor - means any place where for any form of consideration or gratuity, massage, alcohol rub administration of fomentation's electric or magnetic treatments, or any treatments, manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented business shall not include the practice of massage in any licensed hospital, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional, or professional athletic team or school program

Nude Model Studio - means any place where a person regularly appears semi-nude or in a state of nudity, or regularly displays "specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by another person who pays money or any form of consideration. Nude Model Studio shall not include A PROPRIETARY SCHOOL LICENSED BY THE State of Tennessee or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (a) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing

- (b) Where in order to participate in a class a student must enroll at least three days in advance of the class
- (c) Where no more than one nude or semi--nude model is on the premises at any one time.

Nudity or State of Nudity - means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Person - means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-nude or Semi-nude condition - means the showing of the bare female breast below a horizontal line across the top of the areola at its highest point or the showing of the bare male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sexual Encounter Center - means a business or commercial enterprise that, as one of its principal business purposes, regularly offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or,
- (b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business - means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Specified Anatomical Areas - Specified anatomical areas means but is not limited to, the following:

- (a) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or,
- (b) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Specified Criminal Activity - means any of the following offenses:

- (a) prostitution; patronizing prostitution; promoting prostitution; sexual performance by a child; aggravated sexual exploitation of a minor, sexual exploitation of a minor; possession or distribution of child pornography; public indecency; indecent exposure; engaging in organized criminal activity; aggravated sexual assault; molestation of a child; gambling or distribution of a

controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

(b) For which:

(1) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(2) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or,

(3) less than five years have elapsed since the date of the last conviction for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 month period.

(c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

Specified Sexual Activities - means any of the following:

(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or,

(c) Excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

Substantial Enlargement - of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25 percent), as the floor areas exist on the date this ordinance takes effect.

Transfer of Ownership or Control - of a sexually oriented business means and includes any of the following:

(a) The sale, lease, or sublease of the business;

(b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means, or,

(c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by request or other operation of law upon the death of the person possessing the ownership or control.

Sign – Any freestanding device or structure advertising or identifying the goods, services or location of any enterprise, facility or merchandise and designed to inform or attract the attention of persons not on the lot on which the device or structure is sited, provided that the term “sign” shall not include any government-owned device or structure.

Start of Construction – For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial

improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State Coordinating Agency – is a reference to the Local Planning Assistance Office of the Department of Economic and Community Development of the State of Tennessee.

Story – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

Street – Any public or private way set aside for public travel twenty-one (21) feet or more in width. The word “street” shall include the words “road”, “highway”, and “thoroughfare”.

Substantial Improvement – means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure (a year period) in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in case of damage, the value of the structure prior to the damage occurring, for the purposes of the definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Total Floor Area –The area of all floors of a building including finished attic, finished basement, covered porches and attached garages or carports.

Townhouse – An attached residential dwelling unit designed for occupancy by one (1) family constructed in a row of two (2) to eight (8) such dwelling units, each dwelling unit located on a single lot and being separated from the adjoining dwelling units in each story adjoining fire resistant walls without openings extending at least from the lowest floor level through the roof, and each dwelling unit shall have independent access to the exterior in the ground story. For the purpose of this

ordinance, a townhouse dwelling shall not be considered a single family dwelling or a multi-family dwelling.

Travel Trailer – a travel trailer, pick-up camper, converted bus, tent-trailer, tent or similar device used for temporary portable housing or a unit which:

- (a) can operate independent of connections to external sewer, water and electrical systems;
- (b) Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or
- (c) Is identified by the manufacturer as a travel trailer.

Travel Trailer Park – The term travel trailer park shall mean any plot of ground within the City of Somerville on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

Yard – The space on a lot open, unoccupied and unobstructed by any building from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between the lot line or street pavement and the nearest part of a building.

- (a) **Front Yard** – The yard extending across the entire width of a lot between the street pavement and the nearest part of a building. On multiple frontage lots, the yards adjacent to all streets shall be deemed front yards.
- (b) **Rear Yard** – The yard extending across the entire width of the lot between the rear lot line and the nearest part of the building.
- (c) **Side Yard** – The yard between the side lot line and the nearest part of a building and extending from the required front yard to the required rear yard.

Zero Lot Line Dwellings – A development approach which permits the construction of single family dwellings on individual lots without a side yard requirement on one side of the lot. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. This use shall be considered a multiple family development as defined in this ordinance.

14-303 Zoning Affects Every Building and Use – No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter stated.

14-304 Continuance of non-conforming use:

- 1. Within the districts established by this ordinance or amendments that may later be adopted, there exist uses and/or structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted. Under the terms of this ordinance or future amendment, of the following shall apply.
 - (a) Any non-conforming structure may not be:
 - 1. Extended except in conformity with this ordinance.
 - 2. Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement value except in conformity with the provisions of this ordinance.

3. Removed and replaced with another non-conforming structure.
- (b) Any non-conforming use of land may not be:
1. Changed to another non-conforming use which would be more detrimental to the district in which it is located.
 2. Extended except in conformity with this ordinance.
- (c) Any non-conforming use or structure may not be:
1. Changed to another non-conforming use.
 2. Re-established after discontinuance of one year.
 3. Extended except in conformity with this ordinance.
- (d) Any structure used for a non-conforming use shall not be rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement cost unless the use and structure conform to the provisions of this ordinance.
- (e) All non-conforming signs and billboards shall be torn down, altered, or otherwise made to conform within one (1) year from the date of the adoption of this ordinance.
- (f) All non-conforming junkyards, and commercial animal yards, not on the same lot with a plant, sales building or factory shall be torn down, altered, or otherwise made to conform to the provisions of this ordinance within five (5) years from the adoption of this ordinance.
2. For any non-conformity created by amendments to this ordinance passed after the passage of Chapter 279 of the Public Act of 1973 of the State of Tennessee the following shall apply:

Residential non-conformity will apply as stated in Paragraph 1, Section 14-304.

- (a) Industrial, commercial, or business establishments, which were non-conformities prior to the passage of Chapter 270 of the Public Act of 1973, will be covered by Paragraph 1, Section 14-304.
- (b) Tennessee Code Annotated, Section 13-708 as amended 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.

14-305 Only One Principal Building on Any Lot – Only one principal building and its customary accessory buildings may hereafter be erected on any lot. No building shall be erected on a lot which does not abut at least one public street for a minimum distance of fifty (50) feet.

14-306 Reduction in Lot Area Prohibited – No lot even though it may consist of one or more adjacent lots of record shall be reduced in area so that yards, lot area per family, lot

width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

14-307 **Off-street Automobile Storage**

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 two hundred (200) square feet per space with vehicular access to a street or alley. The City reserves the right to control ingress and egress over private right-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.
 - (a) **Dwelling** – Not less than one (1) space for each dwelling plus 1 ½ spaces for each additional unit or apartment.
 - (b) **Boarding Houses, Rooming Houses** – Not less than one (1) space for each room or unit occupied by boarders or roomers.
 - (c) **Tourist Accommodations** – Not less than one (1) space for each room or unit offered for tourist accommodations.
 - (d) **Office Buildings, Manufacturing or Other Industrial Building or Use** – In all business and industrial districts, except a B-1 (Central Business District) not less than one (1) space for each two (2) persons employed 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 Uses** – In all business and industrial districts, except a B-1 (Central Business District) no less than one (1) space for each two hundred (200) square feet of store sales area.
 - (f) **Theaters, Auditoriums, Stadiums, Churches, or other Use Designed to Draw an Assembly of Persons**- Not less than one (1) space for each five (5) seats provided in such place of assembly, except in a B-1 (Central Business District).
 - (g) **Public Building** – Not less than one (1) space for each two hundred (200) square feet of total floor area of all floors in building except basement, except in a B-1 (Central Business District).
 - (h) **Medical Offices** – In all business districts, except a B-1 (Central Business District) three (3) patient’s parking spaces per staff doctor, plus two (2) per three (3) employees, plus one (1) per staff doctor.
 - (i) **Funeral Homes** – In all business districts, except a B-1 (Central Business District) one space for each company vehicle plus one space for each three (3) seats in meeting room.
2. Parking space maintained in connection with an existing and continuing main building or structure on the effective date of this ordinance up to the number required by this ordinance shall be continued and may not be counted as serving a new

structure or addition, nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.

3. 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 four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
4. Except in single-family and two-family developments, within one (1) year of issuance of the first building permit all maneuvering lanes and parking areas required under this section shall be provided with a four (4) inch compacted grading D limestone base and a wearing surface consisting of a tack coat and a one and a half (1 ½) inch 307CW or 411E hot mix course coat installed respectively per Sections 303, 403 and 307 or 411, as applicable, of the Tennessee Department of Transportation Standard Specifications For Road and Bridge Construction of March 1, 1981, with all amendments and updates.

A cash escrow of 120% of the estimated cost of installing the required maneuvering lanes and parking areas shall be deposited with the planning commission office at the time of issuance of the first building permit or business license, whichever occurs first, to be refunded in full upon satisfactory completion of the work.

- 14-308 **Required Yard Cannot be Used by Another Building** – No part of a yard or other space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building.
- 14-309 **Rear Yard Abutting a Public Street** – When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on the street. In addition, any structure located within twenty-five (25) feet to that setback line shall be no closer to any side property than the distance required for side yards on adjoining properties fronting on that street.
- 14-310 **Vision at Street Intersections** – On a corner lot not in the Central Business District (B-1), within the area formed by the centerlines of the intersecting streets and a line adjoining points on such centerlines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of two and one half (2 1/2) feet and a height of ten (10) feet above the grade of each street at the centerline thereof, provided that this section shall not prohibit any necessary retaining wall.
- 14-311 **Off-street Loading and Unloading Space** – In all business and industrial districts, except a B-1 (Central Business District) every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street. Loading space maintained in connection with an existing and continuing main building or structure on the effective date of this ordinance up to the number

required by this ordinance shall be continued and not be counted as serving a new structure or addition.

14-312 Access Control – In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

1. A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.
2. There shall be not more than two (2) points of access to any one (1) public street on a lot less than 400 feet but more than one hundred (100) feet in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
3. Point of access to any one (1) public street for lots of more than four hundred (400) feet in width shall be no closer than one hundred (100) feet apart.
4. No point of access shall be allowed within ten (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 six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.
6. No curbs on city 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 Ordinance whichever is higher.
9. For properties with over 300 feet of frontage on major arterials using one driveway the maximum width of driveways is 40 feet.

14-313 Street Frontage – All residential uses must front on a public street for a distance of at least 50 feet, except on cul-de-sac lots where 25 feet will be required.

14-314 Trailers or Mobile Homes – The use of a trailer or mobile home as a dwelling unit on any lot other than a licensed and approved mobile home park is prohibited; and no mobile home shall be used as a place of business.

14-315 Sign Regulations

1. Purpose - The regulations set forth herein are established in order to promote and protect public health, safety, comfort, prosperity, welfare, and in order to accomplish the following specific purposes: to enhance the economy, business, and industry of Somerville by promoting the reasonable, orderly, and effective use and display of

signs; to enhance the physical appearance of the Town; to protect the general public from damage and injury which might be caused by the faulty and uncontrolled construction and use of signs within the Town; to protect the public use of streets and highways by reducing sign or advertising distractions that may increase traffic accidents; to protect the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment; and to preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

2 Definitions

Abandoned/Obsolete Site: - any sign which identifies or advertises a business, lessor, service, owner, product, or activity, 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.

Animated sign - A sign which uses movement or change of light to depict or to create a special effect or scene (does not include time, temperature or message signs).

Attached Business Sign - Any sign which is affixed directly to or otherwise inscribed or painted on a wall or parapet wall of any building or structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and extending therefrom less than twelve (12) inches.

Awning/Canopy Sign - A 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.

Banner Sign - A sign made of fabric or other nonrigid materials with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Building Inspector - The Town official or authorized representative charged with the responsibilities of enforcing the ordinance.

Business Identification Sign - A freestanding sign identifying a recognized firm, business, or service.

Canopy - An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Construction Sign - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Directional/Information Sign - Any on-premise sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which may contain the name or logo of an establishment but no other advertising copy.

Flashing Sign - Any directly or indirectly illuminated sign which contains an intermittent flashing light source. (This does not include message center or time/temperature signs.)

Freestanding Sign - Any sign supported by uprights or braces placed on or in the ground and not attached to any building.

Ground Sign - Any sign supported by the ground with little or no vertical clearance.

Height (of a sign) - The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Illegal Sign - Any sign and/or advertising structure erected without a permit required by this Ordinance, or in violation of any of the limitations, prohibitions or requirements of this Ordinance.

Maintenance - For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mall Grouping Signs - Signs on one pole identifying a group of stores, businesses, or professional offices located in one development. These include office center signs and shopping center signs.

Message Board - A sign with changeable, removable letters to allow the user to replace or update the copy on the sign.

Nonconforming Sign - (a) Any sign which was erected legally but which does not comply with subsequently enacted sign regulations and restrictions; (b) A sign which does not conform to the Sign Code requirements but for which a variance has been issued. These signs are grandfathered provided they do not violate the provisions of Section 7.B.

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

Office Center - Two or more offices having a common parking lot.

Owner - The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy on a sign.

Political Sign - A sign displaying the name and/or picture of an individual seeking election to a public office or a sign otherwise relating to a forth coming public election or referendum.

Portable Sign - Any sign which by its construction or nature may be or is intended to be freely moved from one location to another. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags or other types of temporary anchors. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs converted to A or T Frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

Projecting Sign - Any sign, other than a flat wall sign, which is attached to and projects more than 12" from a building wall or other structure not specifically designed to support the sign.

Public Sign - Any temporary or permanent sign erected and maintained by the Town, County, State or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

Real Estate Sign - Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Residential Districts - Any parcel in the Town of Somerville zones R-1 to R-6.

Roof Sign - Any sign erected, constructed or maintained wholly or partially upon or over the roof line of any building with the principal structural support on the roof or building structure.

Shopping Center - Two or more businesses sharing a common parking lot. This shall include indoor and outdoor malls.

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.

Sign Area - (a) Freestanding, Roof and Protecting Signs: The area enclosed by one continuous line, connecting the extreme points or edges of the sign. The area shall be determined using the largest sign area or silhouette, but excluding the necessary supports or uprights. Two-sided signs constructed back to back shall use the square footage of one side only for compliance. Three-sided signs with no more than 60 degrees between the faces shall be figured using one face only. (b) Attached Business, Awning and Canopy Signs: The area including all lettering, wording, and accompanying design or symbols together with any background. For a sign composed of individual letters or figures, the area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

Sign Permit - A written permit granted by the Building Inspector for the erection, construction, enlargement, relocation or conversion of any sign for which a permit is required.

Subdivision Identification Sign - A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Time and Temperature Sign - Electrically controlled public service time, temperature and date signs displayed on a lamp, bank or other electronic display.

Temporary Sign - Any sign, banner, pennant, valance or advertising display or sign constructed of light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without frames, intended to be displayed for a limited period of time, i.e., garage sale, rummage, open house and similar types of signs.

User - The fee user of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy of a sign.

Vehicle Mounted Sign - Any sign painted on or attached to a vehicle relating to the business, activity use, service or product of the owner of the vehicle, or to the sale of the vehicle and which sign is incidental to the primary use of the vehicle.

Window Sign - Any on-premise business sign installed in or on a window and intended to be viewed from the outside.

3 Regulations and Standards

A On-Premise Signs

- i. In B-1, B-2, B-3, M-1, M-2 and PM zones:
 - a. Only one sign per street per business shall be allowed. The sign shall be no greater than 100 sq. feet in area per side and shall have no more than three (3) sides. In B-1 and B-2 double signs are allowed. The top sign shall be no greater than 100 sq. ft. and the lower sign shall be no greater than 25 sq. ft. in area. The lower sign may be used for on-premises advertising, community service, or a message board. The bottom of the sign must be a minimum of 10 ft. above the ground/pavement elevation. The top of any given sign shall be no higher than 25 feet above the ground.
 - b. Business identification signs must be located a minimum of 15 ft. from the edge of any highway, street, or road, and a minimum of 3 ft. from the edge of any sidewalk. Business identification signs must be located a minimum of ten (10) feet plus the height of the sign from any district boundary not common to a street right-of-way. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.
 - c. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
 - d. Ground signs are allowed, however, their location must meet the building setback requirements for the property zoning and the height must not exceed 5' above ground elevation.
- ii. In B-4 Districts: Only one sign per street per business shall be allowed. The sign shall be no greater than 60 sq. ft. in area per side and shall have no more than three (3) sides. The top of any sign shall be no higher than 25 feet above the ground.

B Attached Business Signs

- i. Shall be allowed in all Business and Industrial districts.
- ii. Each business is limited to one attached business sign per building face. It shall be no greater in area than 25% of the face of the wall on which it is located.
- iii. An awning or canopy with the business name or related information is defined to be an attached business sign. All such awnings or canopies shall be structurally sound and approved by the Building Inspector. The lowest portion shall not be less than 8 ft. above the ground.

- C Off Premise Signs - Non-profit organizations may erect off-premises directional signs, provided they do not exceed (6) square feet in area, and further provided the sign is not located in the public right-of-way and does not interfere with traffic or pedestrian vision or safety.

D Mall Grouping Signs

- i. Shopping Centers. A sign designating a shopping center and its tenants shall have a maximum area of eighty (80) sq. ft. plus ten (10) sq. ft. for each tenant over two, not to exceed one hundred-fifty (150) sq. ft. Signs designating individual businesses are not allowed, except attached business signs, however, businesses without an external entrance are allowed one (1) business identification sign.
- ii. Office Centers. A sign designating an office center and its tenants shall have a maximum area of sixty (60) sq. ft.
- iii. Mall Grouping signs must be located a minimum of 15 ft. from the edge of any highway, street, or road, and a minimum of 3 ft. from the edge of any sidewalk. Mall Grouping signs must be located a minimum of ten (10) feet plus the height of the sign from any district boundary not common to a street right-of-way. Mall grouping signs must be located a minimum of ten (10) feet from any lot line not common to a street right-of-way. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.
- iv. Any mixture of offices and retail establishments shall be interpreted as a shopping center if there is a majority of retail establishments and shall be interpreted as an office center if there is a majority of offices and/or professional uses.

E Residential Signs

- i. Apartment complexes, churches, and schools in residential districts may have a single identification sign not to exceed twenty-five (25) sq. ft. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- ii. Name plates are allowed in residential districts but limited to three (3) sq. ft.

F Projecting Signs - Projecting signs shall not exceed twenty (20) sq. ft. in area and shall have a minimum of nine (9) ft. of clearance above the ground or sidewalk. A projecting sign must be structurally sound and approved by the Building Inspector.

G Portable Signs -Portable signs not utilizing flashing lights. All portable signs presently located within the corporate limits shall either have their bulbs removed or be disconnected from their power source within one year of passage of this Ordinance.

H Real Estate Signs

- i. Real estate signs are limited to one sign per road frontage, not to exceed twenty (20) sq. ft. in area in a residential zone or thirty-two (32) sq. ft. in a commercial or industrial zone. No real estate signs shall have a height greater than eight (8) ft.
- ii. In multi-unit developments, one additional sign per unit, not to exceed ten (10) sq. ft. in area is allowed.
- iii. Real estate signs are subject to the building setback requirements of the zoning in which they are located. A business with a non-conforming setback may appeal to the Board of Zoning Appeals for relief. In such cases, the Board of Zoning

Appeals may waive the setback requirement if a suitable location is found which does not interfere with traffic or pedestrian vision or safety and complies with the overall safety and aesthetic intent of these regulations.

iv. Real estate signs do not require a permit.

I Construction, Lighting, and Maintenance Standards

i. General Regulations

- a. All signs and their locations shall comply with the provisions of the Town of Somerville Zoning Ordinance, the Standard Building Code, the National Electrical Code current edition, and additional standards hereinafter set forth.
- b. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of egress to prevent free passage from one part of a room to another part thereof or access thereto.
- c. Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Prevention Codes.
- d. The height of the signs shall in no case exceed the height restriction for buildings in that zoning district.
- e. In no case shall existing supports, such as utility poles or traffic control sign supports, be utilized for any sign.
- f. All signs shall maintain clearances from over head electrical connectors of at least 12 feet.
- g. Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- h. 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.
- i. Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
- j. Attached business signs must derive their principle and total support from the building to which they are attached.
- k. All signs shall be constructed to withstand wind loads of 30 pounds per square foot on the largest face of the sign and structure.
- l. In no case shall the existing ground elevation be built up in order to have a taller sign.

- ii. Electrical Standards
 - a. Electrical service to on-premise free-standing signs shall be concealed whenever possible.
 - b. Electrical signs shall be marked with input amperes at full load.
 - c. Each illuminated and/or electrical sign shall bear thereon a label or certification visible from the ground, from the Underwriter's Laboratories Inc., or any other approved independent electrical inspection agency qualified to make such certification or have written approval from the local Electrical Inspector.
 - d. No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed as to direct or reflect any artificial light onto any structure or to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
 - e. Flashing signs, flashing or moving lights on signs, and reflective pennants are prohibited, except that both signs that exhibit time, temperature, date or other similar information and search lights permitted by the Building Inspector as an attention getting device are permitted.
 - f. In no case shall electrical wiring, extension cords, or any other means of power be laid on the ground or parking areas.
- iii. Maintenance Standards
 - a. 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 (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of such sign.
 - b. The ground area around any freestanding sign shall be kept free and clean of weeds, trash and other debris.

4 Prohibited Signs The following types of signs are prohibited in all zoning districts in Somerville.

- A) Signs on public property, except for public signs in conjunction with Town, state, and federal government uses and temporary signs upon permission by the public authority having jurisdiction.
- B) Signs erected at the intersection of any 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 as to interfere with, mislead or confuse traffic. No signs shall be allowed between a height of two and one-half (2.5) ft. and ten (10) ft. of the front property line in order to prevent any obstruction of vision.
- C) Signs which blend with or can be confused with traffic signals.
- D) Signs which contain reflective materials which present a hazard or danger to traffic or the general public.

- E) Signs which are structurally unsound or which are rendered structurally sound by guy wires.
- F) Signs which display thereon or advertise any obscene, indecent or immoral matter.
- G) No sign shall have any moving parts, reflective materials, or flashing, rotating or otherwise animated lighting of any kind.

5 Temporary Signs No temporary sign shall be allowed except as set forth herein and which is affixed to a building, pole or other structure and located on the same property and allowed under the provisions of this Ordinance. Temporary signs are allowed in all zoned districts as specified below. A sign permit is required for all temporary signs except for vehicle signs, construction signs, posters, and garage sale signs.

- A) Street Banners - It shall be unlawful for any person to have placed across or upon any public street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic, festival, or parade and shall be allowed for a period not to exceed thirty-five (35) days as determined by the Building Inspector. Street banners shall be removed within seven (7) days after the event being advertised has occurred.
- B) Off-Building Advertising Banners - Shall be allowed, after obtaining a permit, for a period not to exceed fourteen (14) days per calendar quarter. They are subject to the building setback requirements of the zone in which they are located. They may be used only in Commercial and Industrial zones and may not exceed twenty-four (24) sq. ft. in total area. On-building banners do not require a permit, however, total signage on any face of a building must not exceed 25% of the total surface area.
- C) Posters - Shall only be authorized in conjunction with an official, civic, or philanthropic event and shall be allowed only thirty-five (35) days prior to and forty-eight (48) hours after the event.
- D) Vehicular Signs - Any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this chapter. Such signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses, tags, or plates as required by all governmental authorities. This may include valid dealer licenses, tags or plates.
- E) Construction - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited in size to sixty-four (64) sq. ft. and a height of ten (10) ft. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
- F) Signs not exceeding five (5) sq. ft. in area noting garage sales provided it is an on-site sign. This sign shall be allowed to be erected no more than seven (7) days prior to and two (2) days after the event which it advertises.
- G) Political and campaign signs on behalf of candidates for public office or measures of election ballots provided that said sign conforms to the following regulations.
 - i. Said signs may be erected no earlier than ninety (90) days prior to said election and shall be removed within fourteen (14) days following said election.

- ii. No sign shall be located within or over the public right-of-way.
- iii. The candidate or the candidate's organization must obtain a general sign permit covering all of the candidate's signs in Somerville. There will be no charge for this permit.
- iv. Political signs in residential districts shall be limited to 16 sq. ft. in area and shall be limited to 32 sq. ft. in all other districts.

6 Exemptions The following signs shall be allowed in all zoning districts of the Town of Somerville provided that the sign conforms to the regulations of this Ordinance. A sign permit is not required to erect exempt signs described below.

- A) Signs not more than two (2) sq. ft. which identify street numbers, owner names, occupant name, and professional names, as allowed herein.
- B) Official National, State, or Municipal flags properly displayed.
- C) Signs, identifying merchandise, or manufacturer, offering sale if on a dispensing or vending machine, or on windows.
- D) Signs wholly within buildings or windows.
- E) Public signs which are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, legal notices and such temporary, emergency or non-advertising signs as may be approved by the Building Inspector.
- F) Historical markers as required by local, State, or Federal Authorities.
- G) Signs of a primary decorative nature, clearly, incidental and customary and commonly associated with any national, local or religious holiday.
- H) No trespassing or no dumping signs.
- I) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or noncombustible material.
- J) Public signs, or signs specifically authorized for public purposes by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or ordinance under which the signs are erected. Also exempted are signs on public property erected by order of the Mayor and Board of Aldermen, which shall be allowed subject to all appropriate sight, distance, and safety considerations being met, as determined by the Mayor and Board of Aldermen.
- K) Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger.
- L) Private property directional signs such as "no parking", "exit," "parking", etc. not to exceed five (5) sq. ft.

7 Illegal, Nonconforming and Unused Signs

A) Illegal Signs

- i. Definition: An illegal sign is any sign erected or altered after the effective date of this Ordinance not complying with the provisions thereof unless said provision was expressly waived or granted a variance.
- ii. Disposition: Any illegal sign shall be removed from the premises upon which it is located within thirty (30) days from the effective date of this Ordinance or notice of violation and shall not remain on the premises or elsewhere in the Town until a sign permit is issued.

B) Nonconforming Signs - With the exception of portable signs, any sign that has been erected, constructed or placed in its location and that is being used as of the effective date of this ordinance, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and ordinances of the Town of Somerville pertaining to signs that were in effect immediately prior to such date.

- i. Any sign that is non-conforming because it fails to comply with the provisions of this ordinance may not be repaired, restored or reconstructed provided that such work alters structural, extends, or enlarges, in whole or in part, unless such sign as so altered, extended or enlarged shall conform to the provisions of this Ordinance and a proper permit is obtained.
- ii. No owner, user, or other person shall alter any non-conforming sign (including alterations in the colors, letters, words, numbers, objects or symbols appearing thereon excluding message boards), unless such sign as so altered shall conform with the provisions of this ordinance. The violation of any one or more of the following regulations shall constitute a forfeiture of the right to continue to use and maintain a non-conforming sign. Consequently, this sign will now be defined as an illegal sign.
 - a A non-conforming sign shall not be replaced with another non-conforming sign.
 - b A non-conforming sign shall not have any changes in the words, logo or symbols which are a part of a message unless the sign is a freestanding message board, non-portable.
 - c A non-conforming sign shall not be structurally altered so as to prolong the life of the sign increased in size or shape or type or design.
 - d A non-conforming sign shall not be re-established after damage or destruction if the estimated expense of construction exceeds 50 % of the value of the original structure.
 - e A non-conforming sign shall not be re-established after the activity or name of the business or ownership shall be changed requiring a change in the sign name or advertisement itself.
- iii. All signs which are nonconforming because of: the use of flashing, blinking, intermittent or exposed lighting (except neon); signs which constitute a traffic hazard, block or restrict the visibility of motorists or pedestrians; otherwise

constitute an immediate hazard to the general health, safety and welfare of the public of the Town, shall be brought into conformity within one hundred twenty (120) days of the effective date of this Ordinance. If such signs are not removed within the aforementioned one hundred twenty (120) day period, written notification of the obligation to remove such signs shall be furnished by the Building Inspector and delivered to the sign owner/user/property owner by certified mail and the owner/user/property owner shall thereafter be required to remove said sign from the premises within five (5) days of the receipt of notification from the Building Inspector. Failure to remove such signs within the time periods herein provided shall constitute a violation of this Ordinance.

- iv. Disposition: It shall be the duty of the sign owner/user and property owner to remove any nonconforming sign in accordance with the requirements of this Section.
 - v. A request for a variance or interpretation of this Ordinance, as it pertains to the non-conformity and which is filed within thirty (30) days of the effective date of this ordinance shall stay further administrative actions pertaining to said sign until such time as the variance or request for interpretation is acted upon.
- C. Unused (Abandoned) Signs
- i. Definition: An unused or abandoned sign is a sign which meets any of the following criteria:
 - a. A sign which identifies an establishment, goods or services which are no longer provided on the premises where the sign is located.
 - b. A sign which identifies a time, event or purpose which has passed or no longer applies.
 - c. This also applies to sign structures with or without a sign.
 - ii. Disposition:
 - a. Any sign which is defined under paragraph 1(a) of this subsection and which condition exists for a period of one month and which sign is otherwise nonconforming shall be removed by the owner/user/property owner within five (5) days of the end of the one month (thirty (30) day) period.
 - b. Any sign which is defined under subparagraph 1(a) of this subsection which remains in such condition for a period of one month and which sign is otherwise conforming shall have its copy vacated within thirty (30) days from when the stated circumstances commenced. If the copy remains vacant for a period of six (6) months or more from the date the stated circumstances commenced, the sign structure shall be removed by the owner/use/property owner. Removal shall be within five (5) days following the expiration of the aforementioned six (6) month period.
 - c. Any sign defined under subparagraph 1(b) of subsection C shall be removed by the owner/user/property owner within three (3) days from the time the event or purpose has passed or no longer applies.

- d Removal:
 - (i.) Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/property owner within the time frames prescribed herein shall be considered a violation of the provisions of this Ordinance and shall be subject to the maximum penalties by law. Each day such violation shall continue shall constitute a separate offence.
 - (ii.) Failure to Remove: A failure to remove any illegal, nonconforming or unused sign and subsequent failure by the Building Inspector to duly notify the owner/user/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Ordinance, nor shall such inaction be deemed to constitute a determination that any such sign is legal, in conformity with this Ordinance or to be given any special status. If, through administrative neglect or inaction, any owner/user/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said owner/user/property owner shall take action to either correct the illegality, nonconformity or nonuse or shall cause the sign to be removed within twenty (20) days of such notification.

8 Appeals to the Board of Zoning Appeals

A Right to Appeal

1. Except for instances relating to signs located or proposed to be located on public property, which is within the jurisdiction of the Town Board, any person who has been ordered by the Building Inspector for the removal of any sign, or any person whose application for a permit for a sign has been refused, may appeal to the Board of Zoning Appeals by serving written notice to the Building Inspector. Such appeals to the Board of Zoning Appeals shall be on forms provided by the Building Inspector and upon filing of a notice of appeal, the Building Inspector shall take no further action with regard to the sign involved until the final decision of the Board of Zoning Appeals has been rendered, unless the Building Inspector finds by reason of condition, location or nature of the sign involved presents an immediate and serious danger to the public, in which case he shall proceed immediately as provided herein.
2. Variances - The Board of Zoning Appeals may grant variances concerning the height and setback of signs, the period for removal of nonconforming signs, as provided for herein only if the following determinations have been made:
 - a The appeal falls within the jurisdiction of the Board.
 - b That all parties directly in interest have been notified of the proceedings.
 - c That the granting of the appeal would not have the effect of applying sign standards from a less restrictive zone.
 - d That the property cannot be reasonably used in conformity with the provisions of this Ordinance.
 - e That the difficulty complained of is unique to the property in question and is not common to all properties similarly situated.

14-316 Landscaping Requirements

A. Intent and Purpose:

The intent of this section is to protect the values of adjoining property from, commercial and industrial uses and give those uses an attractive appearance within the Town of Somerville, Tennessee.

B. Definitions:

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

Berm- An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Buffer- A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Deciduous- A plant with foliage that is shed annually.

Evergreen- A plant with foliage that persists and remains green year-round.

Ornamental tree- A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

Screen- A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Shade tree- Usually a deciduous tree- rarely an evergreen- planted primarily for its high crown of foliage or overhead canopy.

Shrub- A woody plant, smaller than a tree, consisting of several small stems from the ground of small branches near the ground; may be deciduous or evergreen.

Specimen tree- A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

Tree- A large, wood plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

Woodlands, existing- Existing trees and shrubs of a number, size, and species that accomplish the same general function as new planting.

C. Applicability

The requirements of this Section apply to any public, institutional, or private development of a use in an R-3, B-1, B-2, B-3, B-4, M-1, M-2, or P-M Zoning District, with the following exceptions:

1. Previously approved developments
2. Additions to existing structures which are under ten percent (10%) of the gross floor area, or 5,000 square feet, whichever is less.

D. Requirements

1. Buffer Yards - The purpose of buffer yards is to physically separate and visually screen adjacent land uses that are not fully compatible. The following tables shall determine the size and plant density of buffer yards required in new developments. The categories of land use are based on the intensity of those land uses.

Table 1- Buffer Yard Types:

Type	Minimum Landscaped Yard	Number of Plant Units (See Table 3 below) required per 100 Linear Feet of Property Line or Right-of-Way
A	5 feet	20
B	10 feet	40
C	15 feet	60
D	20 feet	80

Table 2- Minimum Required Buffer Yard

<i>Proposed Use</i>	<i>Adjoining Use</i>					
	Single Family Detached	Townhouses Multiplexes	Multi-Family: Garden Apts., Apartments - Midrise and Highrise	Low Impact	Medium Impact	High Impact
Single-Family Detached	None	A*	B*	B*	C*	D*
Townhouses, Multiplexes	A	None	A*	B*	C*	D*
Multifamily: Garden Apts., Apts. – Mid/High Rise,	B	A	None	A*	B*	D*
Low Impact**	B	B	A	None	A*	C*
Medium Impact***	C	C	B	A	None	B*
High Impact	D	D	D	C	B	None

*The maximum buffer that may be required. If all or part of the buffer has been provided on the adjacent property, the proposed use must provide only that amount of buffer which has not been provided on the adjacent property. ** B-1, B-2, B-3 or B-4 use. *** M-1 or P-M use. **** M-2 use.

Table 3- Plant Units

Plant	Units
Shrub	1 Unit (at least 2 feet high when planted)
Ornamental Tree	5 Units (at least 8 feet high when planted)
Evergreen Tree	5 Units (at least 8 feet high when planted)
Shade Tree	10 Units (at least ten feet high when planted)

2. Parking Lot Landscaping

- a. **Landscaped Strip** – This buffer strip is located between the development (usually its parking lot) and a public right-of-way. Applicants may choose from the five (5) different options shown in the following figures. In all cases, two ornamental or two evergreen trees may be substituted for one required shade tree.
- b. **Perimeter Landscaping** – This buffer defines parking areas and prevents two adjacent lots from becoming one large expanse of pavement. The perimeter landscaped strip must be at least five (5) feet wide for sites larger than 10,000

square feet, or two (2) feet wide for a smaller site. One (1) tree and three (3) shrubs are required for 35 linear feet of perimeter; however, alternatively, 25 feet of woodlands may be preserved. Requiring perimeter landscaping between adjacent parking lots does not preclude the need to provide vehicular access between lots.

- c. **Interior Parking Lot Landscaping** – This buffer helps provide relief from expanses of parked cars, concrete and asphalt in larger parking areas. All areas within the lot’s perimeter are counted, including the planning islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side. Landscaped areas outside the parking lot may not be used to meet the interior planning requirement.

Detailed below is the amount of landscaping required (based on a sliding scale); Figure 7 showing how to calculate the required area of landscaping; and Figure 8 showing the required planting island parallel to parking spaces.

<u>Landscaping Required</u>	<u>% of Total Lot Area Required As Interior Landscaping</u>
Total Area of Lot:	
7,000 to 49,999 sq. ft.	5% (w/ 1 parking island per 20 spaces)
50,000 to 149,999 sq. ft.	8% (w/ 1 parking island per 20 spaces)
150,000+ sq. ft.	10% (w/ 1 parking island per 20 spaces)

E. Alternative Compliance

This procedure allows certain modifications to the regulations of this Section, but it is not intended as a waiver. The proposed solution, which must be submitted in writing by the applicant, must equal or exceed existing requirements in terms of quality, effectiveness, durability, hardiness, and performance.

Requests for approval of an alternative landscaping scheme is justified only when one or more of the following conditions apply:

1. The sites involve space limitations or unusually shaped parcels;
2. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
3. Due to a change in use of an existing site, the required buffer yard is larger than can be provided;
4. Safety considerations are involved, and/or
5. A significant natural and/or historic feature will be preserved.

Alternative methods of compliance must be approved by the Building Commissioner, and if aggrieved by his decision, the applicant may appeal for administrative review by the Board of Zoning Appeals.

F. Submittal, Review and Approval

1. A landscape plan containing the following information shall be submitted as part of the site plan for building permit application for the development and shall at least contain the following information:
 - a. Location, general type, and quality of existing vegetation (including specimen trees) and vegetation to be saved, if applicable;
 - b. A schedule of plants including the size at time of planting;
 - c. Location of all plants and improvements such as berms, walls, fences, paved areas, furniture, lights, etc.
 - d. Drainage and soil erosion control plan that includes seeding and sodding plans.
2. The landscaping plan shall be reviewed by the planning staff and a final approval of the plans' suitability made by the planning commission. Certificates of occupancy shall be withheld until all required planting is properly installed to the Building Commissioner's satisfaction.

The requirements for buffer yards and parking lot landscaping shall be determined by the planning staff and any aggrieved of the decision of the planning staff can appeal the decision to the Board of Zoning Appeals.

G. Maintenance of Required Landscaping

All landscaping shall be maintained by the property owner whether the buildings are occupied or not.

H. Enforcement

(See Chapter 10- Enforcement of this Zoning Ordinance)

I. General Provisions

1. No required planting shall encroach on a utility easement of any kind.
2. No plant unit, grass or required landscaping, other than a shade tree, may grow over a side walk, and said shade tree may not have limbs under nine (9) feet from the grade.
3. All required planting shall be maintained in a manner as to avoid the disturbance of sight distance or create varmint habitation.
4. When a building's use changes, resulting in an increase in the required number of off-street parking spaces, the building commissioner shall determine whether or not the existing landscaping is sufficient, and any applicant aggrieved of the decision of the building commissioner can appeal the decision to the Board of Zoning Appeals.
5. No plant unit that bears fruit having an adverse effect on a required landscaped area is acceptable.
6. Berms must be at least 2.5 feet above the parking grade and have no slope exceeding 3:1.

7. All vertical elements, such as fences and walls that are not erected on the property line shall be setback a minimum of five (5) feet to allow for grounds maintenance.
8. All vertical elements placed in front yards shall observe a minimum setback of ten (10) feet.

14-317 **Manufactured Home Regulations**

A Definitions

Factory Built Housing - A factory built structure designed for long term residential use. For the purpose of these regulations, factory built housing consists of three types: modular homes, mobile homes and manufactured homes.

Manufactured Home - A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

Mobile Home - A transportable, factory-built home, designed to be used as a year round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. In many cases, mobile homes were built to a voluntary industry standard of the American National Standards Institute (ANSI) - AII9.1 Standard for Mobile Homes.

B General Provisions:

For zoning purposes, a multi-section manufactured home (consisting of two or more sections), 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 coving 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 three 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, corrugated fiberglass roof.
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 manufactured homes that are not required for site-built homes.

14-318 Site Plan Prerequisite for Building Approval

- A. Before a permit is issued for any multi-family dwelling, townhouse, zero lot line dwelling, commercial, industrial, public or semi-public use permitted by right or by special exception in any zoning district, a site plan of the proposed development shall be reviewed and approved by the planning commission. The planning commission shall meet and act upon any site plan within sixty (60) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When a site plan is denied, the planning commission shall state the reason for such action in writing and they shall be entered in the official records of the planning commission.
 1. A site plan shall be drawn to scale one inch equals 100 feet, or greater.
 2. Contents of Site Plan: The site plan shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, and shall include, but not be limited to, the following information:
 - a. The location and general exterior dimensions of all proposed buildings.
 - b. The location, arrangement and dimensions of automobile parking space, width of aisles, width of bays and angle of parking.
 - c. The location, arrangement and dimensions of truck loading and unloading spaces and docks.
 - d. The location and dimensions of vehicular entrances, exits and drives.
 - e. The location and dimensions of pedestrian entrances, exits, walks and walkways.
 - f. The location and materials of walls, fences, screens, and landscaping.
 - g. General location of existing public and private utilities and easements, including sewers and water lines, and plans for connecting, thereto.
 - h. Location of solid waste disposal containers.
 - i. Existing drainage facilities and easements and proposed on-site drainage facilities showing approximate area drained and direction of flow. The Planning Commission may require that the applicant provide engineering data as to the adequacy of existing and proposed drainage structures.

14-319 Standards for Communication Towers - Communications towers will be permitted in the B-1, M-1, and M-2 Districts as uses permitted on appeal. In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for Communications Towers when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

A. Setbacks

1. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to sixty (60) percent of the tower height or the district yard requirement, whichever is greater.

2. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or district shall be a distance equal to one hundred (100) percent of the tower height.

B. Shared Use

1. The shared use of existing towers or structures shall be required throughout the Town. The applicant's proposal for a new telecommunications tower shall not be approved unless the applicant can prove, through documentation, 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 (1) 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 (RF) 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 three (3) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants 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.

3. Type

All new towers over sixty (60) feet in height shall be of mono-pole type construction. No lattice type antennas or towers over sixty (60) feet in height shall be permitted in the Town of Somerville.

4. Structural Requirements

Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.

5. Screening and Landscaping

- a. For all ground structures and buildings special care shall be taken to minimize the effects on adjacent residential areas.

- b. All ground structures shall be screened in a manner which consists of a minimum of an eight (8) foot wide landscaped strip around the perimeter of the security fencing. The screen shall consist of a combination of trees,

shrubs, vines and ground covers that blends and enhances the appearance of the ground structures with the surrounding area. The screen shall be installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structure, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that affect the intent and purpose of this section.

6. Height

- a. No tower shall exceed a height of one hundred and ninety-five (195) feet.
- b. 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 twenty (20) feet.

7. Co-located Towers and Antennas

The co-location of towers and antennas shall only be permitted on existing and proposed telecommunications towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.

8. Vehicle Access Control

The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Board of Zoning Appeals in accordance with these regulations.

9. Lighting

- a. Towers: No artificially lighted tower shall be permitted in the Town of Somerville. If the proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.
- b. Structures: 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.

10. Security

The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater.

11. Removal of Obsolete Towers

- a. 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 ninety (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.

- b. 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. 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 Mayor of Somerville and the Town Engineer and then approved by the Planning Commission during the site plan review process.

12. Site Plan Requirements

Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan shall be required in accordance with the following provisions and any site plan provisions included in the regulations for the applicable zoning district.

- a. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial user's accessory structure and the location of two (2) future accessory structures.
- b. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
- c. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and applicable structural standards and also describes the tower's capacity which includes the number and type of antennas that can be accommodated.
- d. A letter indicating why existing towers within one (1) mile of the proposed tower location cannot be utilized.

CHAPTER 4

ESTABLISHMENT OF DISTRICTS

SECTION

14-401 Classification of Districts

14-402 Boundaries of Districts

14-401 **Classification of Districts** – For the purpose of this ordinance Somerville, Tennessee, is hereby divided into fourteen (14) districts, designated as follows:

- R-1 Rural Residential
- R-2 Low Density Residential
- R-3 High Density Residential
- R-4 Multi-Family Residential
- R-5 Townhouse Residential
- R-6 Mobile Home Park Residential
- B-1 Central Business District
- B-2 Community Business District
- B-3 Limited Business
- B-4 Neighborhood Business
- M-1 Light Industrial
- M-2 Heavy Industrial
- P-M Planned Industrial
- F-H Flood Hazard District
- R-D Redevelopment District

14-402 **Boundaries of Districts**

1. The boundaries of districts in Section 14-401 of this Chapter are hereby established as shown on the Official Zoning Map entitled “Zoning Map of Somerville, Tennessee”, which is a part of this ordinance and which is on file in the 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 ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where district boundary divides a lot as existing at the time this ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot.

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CHAPTER 5

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

SECTION

- 14-501 R-1 Rural Residential Districts
- 14-502 R-2 Low Density Residential Districts
- 14-503 R-3 High Density Residential Districts
- 14-504 R-4 Multi-Family Residential Districts
- 14-505 R-5 Town Houses Residential Districts
- 14-506 R-6 Mobile Home Park - Residential Districts
- 14-507 PRD Planned Residential Districts

14-501 R-1 RURAL RESIDENTIAL DISTRICTS

1. Purpose and Intent

The intent of the 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 dwelling, excluding single-wide mobile homes on individual lots.
- B. Agricultural production – except for poultry and swine farms, including egg production.
- C. Forestry activities and related services.
- D. Roadside sales offering for sale only farm products produced on the premises.
- E. Recreational activities limited to boarding or stabling of equines only for recreational use of the property owner and only on lots of five (5) or more acres; provided that no more than two (2) equines shall be allowed on a five (5) acre lot; and provided that for each additional equine there shall be required an additional one (1) acre of lot area above the five (5) acre minimum.
- F. Accessory buildings customarily incidental to the permitted use.
- G. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over twelve (12) square feet in area.

3. Uses Permitted on Appeal – The following uses are permitted by approval of a Special Exception by the Board of Zoning Appeals upon review of the criteria established herein.

A. Uses Permitted

- i. Public uses, including but not limited to Municipal, County, State, or Federal uses such as schools, museums, office buildings or utilities.
- ii. Churches and Cemeteries
- iii. Private or parochial schools.
- iv. Home occupations as defined within this ordinance.

- B. Review Criteria (not applicable to home occupations)
- i. The special exception requested must be located on a route designated as either an existing or proposed arterial or collector status street on the official Major Road Plan for the Town of Somerville.
 - ii. All area, yard, density and parking requirements shall be met.
 - iii. A site plan drawn to scale shall be submitted which shall show all structures, parking, yard and lot dimensions, as well as fencing, landscaping or buffering. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit.
 - iv. In addition, the Board of Zoning Appeals 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. This shall not include the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety and welfare. The Board of Zoning Appeals shall state in writing the reasons for denial of any properly submitted site plan.
- C. Review Criteria – Incidental Home Occupation – Customary incidental home occupations may be allowed provided that no building permits or certificates of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals 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:
- i. the proposed use shall be located and conducted in the principal building only;
 - ii. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - iii. not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to proposed use;
 - iv. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - v. no activity, material, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - vi. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - vii. 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;
 - viii. the proposed use shall provide adequate off-street parking facilities;
 - ix. The following occupations, subject to the preceding requirements, shall be the only ones permitted as customary home occupations, provided a resident of the home is engaged in such occupations.

- a. Artist, sculptor, author
 - b. Dressmaker, milliner, seamstress, tailor
 - c. Beauty and barber shops limited to two (2) operators, one of whom may be a non-resident of the home
 - d. Day care, provided compliance with all State and Federal laws governing day care.
 - e. Foster care, provided compliance with all State and Federal laws governing foster care.
 - f. Teaching, including tutoring, musical instruction or dancing, but limited to two (2) pupils present for instruction at any one time.
 - g. Rooming and boarding houses limited to three (3) non-family roomers or boarders.
 - h. Other uses similar in nature, which will not be a detriment to the neighborhood or adjacent structures, as determined by the Board of Zoning Appeals.
 - i. Nothing in this shall be interpreted to mean the discontinuance of an existing lawful home occupation, but hence forth, all new home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.
- D. Uses Prohibited – Any other use or structure not specifically permitted or permissible on appeal in this Chapter. Interpretation of use categories shall be determined by reference to the Standard Land Use Ordinance Manual.
- E. Location of Accessory Buildings – No accessory building shall be erected in any required front or required side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
- F. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height- the principal building shall be located so as to comply with the following requirements:
- i. Minimum required lot area;
 - a. Permitted uses: One acre
 - b. Public uses: One acre, except as set forth below:
 - (1) Schools: 5 acres plus 1 acre for each 100 or fraction of 100 students
 - (2) Churches: 2 acres
 - ii. Minimum required lot width at the building line:
 - a. Permitted uses: 100 feet
 - b. Public uses: One hundred (100) feet, except as set forth below:
 - (1) Schools, including parochial and private schools: 300 feet
 - (2) Churches: 200 ft.

- iii. Minimum required front yard:
 - a. Permitted Uses: 30 feet
 - b. Special Exceptions: 40 feet or greater if required by the BZA
- iv. Minimum required rear yard:
 - a. Permitted Uses: 30 feet
 - b. Special Exceptions: 40 feet or greater if required by the BZA
- v. Minimum required side yard in each side of lot:
 - a. Permitted Uses: 20 feet
 - b. Special Exceptions: 25 feet or greater if required by the BZA
- vi. Maximum Lot Coverage by All Buildings
 - All Uses: 25%
- vii. Maximum permitted height of structures:
 - a. No building shall exceed 3 stories, or 35 feet in height.
 - b. No accessory building shall exceed 2 stories, or 25 feet in height.
 - c. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

14-502 R-2 LOW DENSITY RESIDENTIAL DISTRICT

1. Purpose and Intent

The intent of the R-2 Low Density Residential District is to provide suitable areas for high density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally these districts will be characterized by single family detached dwellings.

2. Uses Permitted

A. Single family dwellings, excluding single-wide mobile homes on individual lots.

B. Accessory buildings customarily incidental to the permitted use.

C. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over twelve (12) square feet in area.

3. Uses Permitted on Appeal – The following uses are permitted by approval of a Special Exception by the Board of Zoning Appeals upon review of the criteria established herein.

A. Uses Permitted

i. Public uses, including but not limited to Municipal, County, State, or Federal uses such as schools, museums, office buildings or utilities

ii. Churches

iii. Private or parochial schools

iv. Home occupations as defined within this ordinance.

B. Review Criteria (not applicable to home occupations)

i. The special exception requested must be located on a route designated as either an existing or proposed arterial or collector status street on the Official Major Road Plan for the Town of Somerville.

ii. All area, yard, density and parking requirements shall be met.

iii. A site plan drawn to scale shall be submitted which shall show all structures, parking, yard and lot dimensions, as well as fencing, landscaping or buffering. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit.

iv. In addition, the Board of Zoning Appeals 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. This shall not include the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety and welfare. The Board of Zoning Appeals shall state in writing the reasons for denial of any properly submitted site plan.

C. Review Criteria – Incidental Home Occupation – Customary incidental home occupations may be allowed provided that no building permits or certificates of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals 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:

- i. the proposed use shall be located and conducted in the principal building only;
- ii. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
- iii. not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to proposed use;
- iv. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- v. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- vi. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- vii. the proposed use shall not generate noise, odor, fumes, smoke, vehicle 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; and
- viii. the proposed use shall provide adequate off-street parking facilities;
- ix. the following occupations, subject to the preceding requirements, shall be the only ones permitted as customary home occupations, provided a resident of the home is engaged in such occupations.
 - a. Artist, sculptor, author
 - b. Dressmaker, milliner, seamstress, tailor
 - c. Beauty and barber shops limited to two (2) operators, one of whom may be a non-resident of the home.
 - d. Day care, provided compliance with all State and Federal laws governing day care.
 - e. Foster care, provided compliance with all State and Federal laws governing foster care.
 - f. Teaching, including tutoring, musical instruction or dancing, but limited to two (2) pupils present for instruction at any one time.
 - g. Rooming and boarding houses limited to three (3) non-family roomers or boarders
 - h. Other uses similar in nature, which will not be a detriment to the neighborhood or adjacent structures, as determined by the Board of Zoning Appeals (BZA).
- x. Nothing in this shall be interpreted to mean the discontinuance of an existing lawful home occupation, but hence forth, all new home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.

4. Uses Prohibited – Any other use or structure not specifically permitted or permissible on appeal in this Chapter. Interpretation of use categories shall be determined by reference to the Standard Land Use Ordinance Manual.
5. Location of Accessory Buildings – No accessory building shall be erected in any front or required side yard. Accessory building shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
6. Regulations Controlling Lot Area, Lot Width, Yards, Building Height The principal building shall be located so as to comply with the following requirements:
 - A. Minimum required lot area;
 - i. Single family: 15,000 square feet
 - ii. Churches: 1 acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
 - iii. Schools: 4 acres plus 1 acre for each 100 students.
 - iv. Other Uses: 1 acre or greater as required by the BZA.
 - B. Minimum required lot width at the building line:
 - i. Dwellings: 100 feet
 - ii. Churches: 200 feet
 - iii. Other Uses: 200 feet or greater as required by the BZA
 - C. Minimum required front yard:
 - i. Dwellings: 30 feet
 - ii. Churches: 40 feet
 - iii. Other Uses: 40 feet or more as required by the BZA
 - D. Minimum required rear yard:
 - i. Dwellings: 30 feet
 - ii. Churches: 30 feet
 - iii. Other Uses: 30 feet or more as required by the BZA
 - E. Minimum required side yard on each side of lot:
 - i. Dwellings: 15 feet
 - ii. Churches: 30 feet
 - iii. Other uses: 30 feet or more as required by the BZA.
 - F. Maximum lot coverage by all buildings:
 - i. Dwellings: 30%
 - ii. Churches: 25%
 - G. Maximum permitted height of structures:
 - i. No building shall exceed three (3) stories or thirty-five (35) feet in height.
 - ii. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

- iii. Free standing poles, spires, towers, antennae and similar structures not designated for, or suitable for human occupation may exceed the height provisions of the ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

14-503 R-3 HIGH DENSITY RESIDENTIAL DISTRICT

1. Purpose and Intent

The intent of the R-3 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, excluding single-family mobile homes on individual lots.

B. Two family dwellings.

C. Accessory buildings customarily incidental to any permitted use.

D. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over twelve (12) square feet in area.

3. Uses Permitted on Appeal – The following uses are permitted by approval of a Special Exception by the Board of Zoning Appeals upon review of the criteria established herein.

A. Uses Permitted

i. Public uses, including but not limited to Municipal, County, State, or Federal uses such as schools, museums, office building or utilities

ii. Churches

iii. Private or parochial schools

iv. Home occupations as defined within this ordinance

B. Review Criteria (not applicable to home occupations)

1. The use requested must be located on a route designated as an arterial or collector street.

2. The area, yard, density and parking requirements shall be met.

3. A site plan drawn to scale shall be submitted which shall show all structures, parking, yard and lot dimensions, as well as fencing, landscaping or buffering. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit.

4. In addition, the Board of Zoning Appeals 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. This shall not include the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety and welfare. The Board of Zoning Appeals shall state in writing the reasons for denial of any properly submitted site plan.

C. Review Criteria – Incidental Home Occupations – Customary incidental home occupations may be allowed provided that no building permits or certificates of occupancy for such use shall be issued without the written approval of the Board of

Zoning Appeals and subject to such conditions as the Board of Zoning Appeals 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:

- i. the proposed use shall be located and conducted in the principal building only;
- ii. not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
- iii. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
- iv. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- v. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- vi. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- vii. the proposed use shall not generate noise, order, 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;
- viii. the proposed use shall provide adequate off-street parking facilities;
- ix. the following occupations, subject to the preceding requirements, shall be the only ones permitted as customary home occupations, provided a resident of the home is engaged in such occupations:
 - a Artist, sculptor, author.
 - b Dressmaker, milliner, seamstress, tailor.
 - c Beauty and barber shops limited to two (2) operators, one of whom may be a non-resident of the home.
 - d Day care, provided compliance with all State and Federal laws governing day care.
 - e Foster care, provided compliance with all State and Federal laws governing foster care.
 - f Teaching, including tutoring, musical instruction or dancing, but limited to two (2) pupils present for instruction at any one time.
 - g Rooming and boarding houses limited to three (3) non-family roomers or boarders.
 - h Other uses similar in nature, which will not be a detriment to the neighborhood or adjacent structures, as determined by the Board of Zoning Appeals.
- x. Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupation, but hence forth all new home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.

4. Uses Prohibited – Any other use or structure not specifically permitted or permissible on appeal in this Chapter. Interpretation of use categories shall be determined by reference to the Standard Land Use Coding Manual.
5. Location of Accessory Buildings – No accessory building shall be erected in any required front or required side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
6. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height – The principal building shall be located so as to comply with the following requirements:
 - A. Minimum required lot area:
 - i. Single Family: 9,000 square feet
 - ii. Two Family: 15,000 square feet
 - iii. Churches: 1 acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater
 - iv. Schools: 4 acres plus 1 acre for each 100 students
 - v. All Other Uses : 1 acre or greater as required by the Board of Zoning Appeals
 - B. Minimum required lot width at the building line:
 - i. Single Family: 75 feet
 - ii. Two Family: 100 feet
 - iii. Churches: 100 feet
 - iv. All Other Uses: 100 feet or greater as required by the Board of Zoning Appeals.
 - C. Minimum required front yard:
 - i. Single Family: 25 feet
 - ii. Two Family: 25 feet
 - iii. Churches: 30 feet
 - iv. All Other Uses: 30 feet or more as required by the Board of Zoning Appeals
 - D. Minimum required rear yard:
 - i. Single Family: 25 feet
 - ii. Two Family: 25 feet
 - iii. Churches: 25 feet
 - iv. All Other Uses: 25 feet or more as required by the Board of Zoning Appeals.
 - E. Minimum required side yard on each side of lot;
 - i. Dwellings: 10 feet
 - ii. Two Family: 25 feet
 - iii. Other Uses: 25 feet or more as required by the Board of Zoning Appeals.

- F. Maximum lot coverage by all buildings:
 - i. Dwellings: 35%
 - ii. Churches: 30%
 - iii. Other Uses: 30% or less as required by the Board of Zoning Appeals
- G. Maximum permitted height of structures:
 - i. No building shall exceed 3 stories, or 35 feet in height.
 - ii. No accessory buildings shall exceed 2 stories, or 25 feet in height.
 - iii. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

14-504 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT**

1. Purpose and Intent

These districts are designed 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 and Structures

A. Principal Permitted Uses and Structures

- i. Residential dwellings, limited to – Multiple family including duplexes.
- ii. Institutional, limited to – Day care centers, family day care homes and group day care homes, provided they are run by a church and on the premises of the church. Parks, playgrounds and playfields.
- iii. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over twelve (12) square feet in area.

B. Permitted Accessory Uses and Structures

- i. Private garages and parking areas
- ii. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for the use of residents
- iii. Accessory uses or structures not exceeding six hundred (600) square feet and customarily incidental to the above permitted uses.

C. Conditional Uses (Require approval by the Board of Zoning Appeals as Special Exception)

- i. Accessory Structures, limited to – Accessory structures exceeding six hundred (600) square feet or two stories in height.
- ii. Institutional, limited to – Place of worship, School, public or private, grades K-12, Country Clubs, Community Centers, Orphanages, All golf courses, Public, parochial and private non-profit libraries, Museums, Art galleries and observatories, Police and fire Stations, Temporary non-profit festivals.

D. Prohibited Uses

Any use not allowed by right, by accessory or by conditional use is prohibited in the R-4 Multi-family residential districts.

3. Bulk Regulations

A. Minimum Required Lot Area

Within the R-4 districts, the minimum required lot area shall be 9,000 square feet or 5,445 square feet for each dwelling unit (8 units per acre), whichever is greater.

B. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty five (35) feet above the finished grade.

4. Yard Requirements

A. General Provisions

General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, exceptions to these provisions and other regulations are contained in Chapter 3 of this Ordinance.

B. Basic Provisions

The basic yard regulations appearing below apply to all zone lots located within R-4 Districts.

- i. Front Yards - A minimum of thirty (30) feet. On double frontage lots and corner lots, there shall be a front yard on each street.
- ii. Side yards - A minimum of ten (10) feet.
- iii. Rear Yards - A minimum of thirty (30) feet.

5. Site Plan and Design Review

A. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

- i. Be drawn to a scale of 1" = 100'
- ii. Include the following: All existing and proposed roads and drainage ways; curb cuts, drives and parking areas; building design; relationship of project to adjoining area; detailed stormwater management plan; lighting; maintenance; landscaping and planting screen; building lines enclosing the portion of the tract within which the buildings are to be erected; the proposed use of the land and buildings; the existing zoning; and signs.
- iii. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
- iv. Include a vicinity map showing the relationship of the proposed development to Somerville.
- v. Show the relation of the proposed development to the street system; the surrounding use district; and surrounding properties.
- vi. Bear a certificate by a licensed civil engineer certifying that the plan as shown is true and correct;
- vii. Bear a form for certificate of approval by: The Secretary of the Planning Commission, and the City Utility Departments.
- viii. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.

B. The Planning Commission shall review the Site Plan and make a decision to approve within thirty (30) days. In making its recommendation, the Planning Commission shall

consider and determine whether the proposed structure(s) included in the Site Plan will conform to proper design standards and the general character of the area.

The proposed development shall have a reasonable relationship to the area and shall be conducive to proper development of the Town and its existing environment in an effort to prevent the harmful effects of improper appearances of buildings erected in the Town and thus to promote the health, safety, comfort, general welfare and prosperity of the community.

The criteria to be considered by the Planning Commission in determining whether a proposed structure(s) will conform to proper design standards and the general character of the area are as follows:

- i. The plan for the proposed structure(s) is in conformity with appropriate and acceptable architectural standards, the general character of the surrounding neighborhood and the community, and the orderly development of the community.
 - ii. The plan for the proposed structure(s) indicates that the structure(s) is reasonably protected against external and internal noise, vibrations, and other conditions which might tend to make the environment less desirable.
 - iii. The proposed structure(s) is not in its exterior design and appearance, of such inferior quality as to cause the area to depreciate in appearance or value.
 - iv. The proposed development is in compliance with all applicable ordinances and statutes governing the location and appearance of buildings and structures.
- C. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reason for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to minor revisions being required of the applicant.
- D. 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 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.
- E. 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.
- F. A fee of three hundred dollars (\$300.00) payable to the Town of Somerville shall be charged to partially defray the cost of review and processing of each site plan application, except that the fee shall be waived for any governmental agency. Fee is payable at time of submittal for Planning Commission review.

G. Where public improvements are required as a part of site plan approval, the developer(s) 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 one hundred (100%) percent of the required public improvements by the developer(s) and shall include a surety bond or irrevocable letter of credit for such public improvements.

6. Design Standards for Multi-Family Dwelling

A. Purpose

It is the express purpose of these provisions to establish design criteria to regulate proposed development and to guide the Planning Commission in its review of the Site Plan.

B. Open Space Requirements

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements which are permitted in the common open space must be appropriated to the uses which are authorized for the common open space, having regard for its topography and unimproved condition.

C. Access

i) Every structure shall be on a lot adjacent to a public street, or with access to an approved private street.

ii) Access and circulation shall provide adequately for fire fighting equipment, service deliveries, furniture, moving vans, and refuse collection.

iii) Pedestrian access shall be provided at rear of each dwelling.

D. Grouped Parking Facilities

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling shall be located so as to provide a maximum walking distance of two hundred (200 feet from the nearest entrance of the dwelling unit which the space is to serve. Where appropriate common driveways parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

E. Privacy

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls and landscaping shall be provided for the protection and privacy of the occupants, and as a means of screening objectionable views or uses and of reducing noise.

F. Walks

Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

G. Recreation Areas

Adequate recreational facilities for the residents of the project shall be provided in a location which is accessible to the living units and which does not impair the view and privacy of the living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Active recreation areas shall be provided which are appropriate for the needs of the residents. Well-equipped playgrounds of adequate size shall be provided where it is anticipated that children will occupy the premises.

H. Plantings

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. Existing trees, shrubs, evergreens and ground cover shall be shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

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14-505 R-5 TOWNHOUSE RESIDENTIAL DISTRICT

1. Purpose and Intent

The purpose of the R-5 District is to increase the variety of available housing choices in the Town of Somerville by providing for townhouse districts in which individual units can be sold on individually deeded lots in fee simple or as condominium units, or can be rented. The higher density development reduces purchase and maintenance costs for the owner and makes it possible for the Town to more efficiently provide public utilities, streets and services while increasing its tax base.

2. Uses and Structures

A. Permitted Uses and Structures

- i. Residential Dwellings, limited to – Townhouses
- ii. Institutional, limited to – Parks, playgrounds and playfields.
- iii. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over twelve (12) square feet in area.

B. Permitted Accessory Uses and Structures

- i. Private garages and parking areas as required in Chapter 3 of this Ordinance;
- ii. Private swimming pools, tennis courts and other outdoor recreation facilities exclusively for the use of residents;
- iii. Accessory uses or structures not exceeding six hundred (600) square feet and customarily incidental to the above permitted uses.

C. Conditional Uses - Requiring approval by the Board of Zoning Appeals as Special Exception)

Institutional, limited to – Place of worship; school, public or private, grades K-12; Day care centers, group day care homes and family day care homes, provided they are run by a church and are on the premises of the church; Country Clubs; Community Centers; All golf courses; Public, parochial and private non-profit libraries, museums, art galleries and observatories; Police and fire stations; Temporary non-profit festivals.

D. Prohibited Uses

Any use not allowed by right, or accessory or by conditional use is prohibited in the R-5 Townhouse Residential District.

3. Bulk Regulations

A. Density – One townhouse dwelling unit shall be allowed for each 5,445 sq. ft. parcel area.

B. Maximum Height – The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade.

C. Minimum Require Floor Area – Within the R-5 District, the minimum required floor area of each townhouse shall be as follows:

One Story	Two Story	
850 Sq. ft.	(1 st Floor)	(Minimum Total)
	600 sq. ft.	1,200 sq. ft.

D. Minimum Width of Townhouse Dwelling

Townhouse dwelling units shall be a minimum of twenty (20) feet in width.

E. Minimum Width of the Tract at the Building Line

A minimum frontage of one hundred (100) feet as measured at the front building line shall be required for all townhouse developments.

F. Minimum Lot Area

The minimum lot area which may be sold with individual townhouses shall correspond to the ground floor area of the townhouse unit.

G. Parking Requirements

Off-street parking shall be provided as required in Chapter 3 of this ordinance. Required off-street parking shall be located on the same lot as the townhouse unit and shall at minimum include two (2) spaces per dwelling unit, and it shall be further stipulated for R-5 principal building that parking shall be within the rear yard area.

4. Yard Requirements

A. General Provisions

General provisions applicable to all residential districts concerning intersections, permitted obstructions in required yards, obstructions visibility at prohibited at street intersections, exceptions to these provisions and other regulations are contained in Chapter 3 of this Ordinance.

B. Basic Provisions

The basic yard regulations appearing below apply to developments located within the R-5 Districts:

i. Front Yards

Front yards shall be a minimum of thirty (30) feet. On double frontage lots and corner lots, there shall be a front yard on each street.

ii. Side Yards

Interior Lots: Total of 20 feet minimum with a minimum of 10 ft. for either side yard.

iii. Rear Yards

Rear yards shall be a minimum of thirty (30) feet.

iv. Minimum Separations between Buildings

The minimum separation between buildings shall be twenty (20) feet.

v. Landscape Screen

A landscaping plan shall be submitted for approval concurrent with initial site plan review by the Planning Commission as required under Chapter 3 of this Ordinance.

5. Maximum Number of Dwelling Units per Building

The maximum number of dwelling units per building shall be four (4).

6. Accessory Building

In the R-5 District, accessory buildings shall not be permitted except as provided in Section 14-505.2 of this Ordinance.

7. Site Plan and Design Review

A. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

- i. Be drawn to a scale of 1" = 100'
- ii. Include the following: All existing and proposed roads and drainage ways; curb cuts, drives and parking areas, building design; relationship of project to adjoining area; detailed stormwater management plan; lighting; maintenance; landscaping and planting screen; building lines enclosing the portion of the buildings are to be erected; the proposed use of the land and buildings; tract within which the existing zoning; signs.
- iii. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
- iv. Include a vicinity map showing the relationship development to Somerville.
- v. Show the relation of the proposed development to the street system; to the surrounding use district and surrounding properties.
- vi. Bear certificate by a licensed civil engineer certifying that the plan as shown is true and correct.
- vii. Bear a form for certificate of approval by: the Secretary of the Planning Commission and the City Utility Departments.
- viii. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.

B. The Planning Commission shall review the Site Plan and make a decision to approve within thirty (30) days. In making its recommendation, the Planning Commission shall consider and determine whether the proposed structure(s) included in the Site Plan will conform to proper design standards and the general character of the area. The proposed development shall have a reasonable relationship to the area and shall be conducive to proper development of the Town and its existing environment in an effort to prevent the harmful effects of improper appearances of buildings erected in the Town and thus to promote the health, safety, comfort, general welfare and prosperity of the community.

The criteria to be considered by the Planning Commission in determining whether a proposed structure (s) will conform to proper design standards and the general character of the area are as follows:

- i. The plan for the proposed structure(s) is in conformity with appropriate and acceptable architectural standards, the general character of the surrounding neighborhood and the community and the orderly development of the community.
- ii. The plan for the proposed structure(s) indicates that the structure(s) is reasonably protected against external and internal noise, vibrations, and other conditions which might tend to make the environment less desirable.
- iii. The proposed structure(s) is not (in its exterior design and appearance) of such inferior quality as to cause the area to depreciate in appearance or value.

- iv. The proposed development is in compliance with all applicable ordinances and statutes governing the location and appearance of buildings and structures.
 - C. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to minor revisions being required of the applicant.
 - D. 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 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.
 - E. The Building Inspector, within the written concurrence of the Planning Director 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.
 - F. A fee of three hundred dollars (\$300.00) payable to the Town of Somerville shall be charged to partially defray the cost of review and processing of each Site Plan application, except that the fee shall be waived for any governmental agency. Fee is payable at the time of submittal for Planning Commission review.
 - G. Where public improvements are required as a part of site plan approval, the developer(s) 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 one hundred (100%) percent of the required public improvements by the developer(s) and shall include a surety bond or irrevocable letter of credit for such public improvements.
8. Design Standard for Townhouse Development
- A. Purpose

It is the express purpose of these provisions to establish design criteria to regulate proposed development and to guide the Planning Commission in its review of the Site Plan.
 - B. Open Space Requirements

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements which are permitted in the common open space must be appropriated to the uses which are authorized for the common open space, having regard for its topography and unimproved condition.

C. Access

- i. Every structure shall be on a lot adjacent to a public street, or with access to an approved private street.
- ii. Access and circulation shall provide adequately for fire-fighting equipment, service deliveries, furniture moving vans, and refuse collection.

D. Privacy

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls and landscaping shall be provided for the protection and privacy of the occupants, and as a means of screening objectionable views or uses and of reducing noise.

E. Recreational Areas

Adequate recreational facilities for the residents of the project shall be provided in a location which is accessible to the living units and which does not impair the view and privacy of the living units. Attractive outdoor sitting areas shall be provided appropriate in size, type and number to the needs of the residents. Active recreation areas shall be provided which are appropriate for the needs of the residents. Well-equipped playgrounds of adequate size shall be provided where it is anticipated that children will occupy the premises.

F. Planting

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen or are useful in protecting slopes.

G. Subdivision Plat Requirement

A subdivision plat for townhouse development shall be submitted to the Planning Commission for review and approval according to the subdivision plat review procedures of the Town of Somerville prior to Site Plan consideration by the Planning Commission. Such subdivision plat shall be separate and apart from an approved Site Plan but shall conform in lot layout, public improvement dedications, lot shape, and lot size to the proposed Site Plan for the development. The proposed Site Plan and subdivision plat for a development may be approved at the same time providing that the above requirements are met.

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14-506 R-6 MOBILE HOME PARK ZONING DISTRICTS

1. Purpose and Intent

These regulations are designed to provide minimum standards for the development of mobile home parks within the Town of Somerville, Tennessee. These standards and site plan review requirements are designed to provide healthful, attractive, and efficient mobile home parks for the benefit of the residents of Somerville, Tennessee. Mobile home parks shall be allowed only in areas as provided within the zoning ordinance of the Town of Somerville and shall be occupied by single-family mobile home dwellings. This shall not preclude but shall include all provisions of the Tennessee Trailer Court Act as set forth in Chapter 24, Section 68-24-101-120 Tennessee Code Annotated.

2. Uses Permitted

- A. Single-family mobile homes in mobile home parks.
- B. Mobile Home parks (site plan of which is subject to review by the planning commission).
- C. Accessory buildings customarily incidental to any aforementioned permitted use.
- D. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over twelve (12) feet in area.
- E. One sign identifying the mobile home park shall be allowed at each entrance provided that each sign shall not exceed sixteen (16) square feet in area.

3. Uses Permitted on Appeal – The following uses are permitted by approval of a Special Exception by the Board of Zoning Appeals upon review of the criteria established herein:

A. Uses Permitted

- i. Public uses, including but not limited to Municipal, County, State, or Federal uses such as schools, museums, office buildings or utilities
- ii. Churches
- iii. Private or parochial schools
- iv. Accessory buildings customarily incidental to the permitted use
- v. Home occupations as defined within this ordinance

B. Review Criteria – Incidental Home Occupations – Customary incidental home occupations may be allowed provided that no building permits or certificates of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals 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:

- i. the proposed use shall be located and conducted in the principal building only;
- ii. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
- iii. not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
- iv. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

- v. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - vi. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - vii. the proposed use shall provide adequate off-street parking facilities;
 - viii. the following occupations, subject to the preceding requirements, shall be the only one permitted as customary home is engaged in such occupations:
 - a Artist, sculptor, author
 - b Dressmaker, milliner, seamstress, tailor
 - c Day care, provided compliance with all State and Federal laws governing foster care
 - d Foster care, provided compliance with all state and Federal laws governing foster care
 - e Teaching, including tutoring, musical instruction or dancing, but limited to two (2) pupils present for instruction at any one time.
 - f Other uses similar in nature, which will not be a detriment to the neighborhood or adjacent structures, as determined by the Board of Zoning Appeals.
 - ix. Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupation, but hence forth, all new home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.
4. Uses Prohibited – Any other use or structure not specifically permitted or permissible on appeal in this Chapter. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by this provision.
 5. Minimum Lot Size – Mobile Home Parks shall be a minimum of five (5) acres in size with a minimum 4,500 square foot site for each dwelling unit. Ten (10) percent of the park area will be set aside for recreation and open space requirements. No portion of the 4,500 square foot site will count toward the ten percent open space requirement. The minimum lot width of the Mobile Home Park shall be 200 feet and shall front on a public street.
 6. Development Requirements Site Plan – All Mobile Home Parks developed in the Town of Somerville shall meet certain development requirements. A site plan drawn by a licensed surveyor or engineer bearing a certificate that the final plan as shown is true and correct and shows the development requirements will be met and will be submitted to the Planning Commission. This site plan shall include the following information:
 - A. Exterior Yards – No mobile homes or recreational vehicles will be situated in land adjacent to the boundaries of the mobile home park as set forth below:
 - i. Street Frontage Setbacks – Mobile homes in the mobile home park will be set back a minimum of 50 feet from any public street.
 - ii. Side and Rear Yard Setbacks – Mobile homes will be set back a minimum of 30 feet from the side and rear boundary.

- B. Mobile Home Park Screening – A mobile home park use shall be considered to be of High Impact when it abuts an R-1, R-2, R-3, R-4 or R-5 Zoning district (as shown on Table 2 – Minimum Required Buffer yards in Chapter 3 of this Ordinance).
- C. Mobile Home Plot – The site plan will show that there is a plot for each mobile home with a minimum size of 4500 square feet and that each plot shall front on a street which is part of the mobile home park street system.
 - i. Front Yards Setback – for individual mobile home plots shall be a minimum of twenty-five (25) feet.
 - ii. Side Yards Setback – for individual mobile home plots shall be a minimum of ten (10) feet. When the parking area for the unit is in the side yard thirty (30) feet additional setback will be required.
 - iii. Rear yards Setback – individual mobile home plots shall be a minimum of fifteen (15) feet.
 - iv. Location of Mobile Homes on Plot
 - a All mobile 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 mobile home shall be anchored with approved anchors as required by Tennessee Code Annotated, Section 68-45-103. Each concrete pad shall be a minimum of 10 feet wide.
 - b All mobile homes moved into any mobile home park, existing or new, after the effective date of these provisions shall be underskirted to prevent the accumulation of refuse and rodents.
- 5. Location of Accessory Buildings – one accessory building not to exceed 150 square feet may be located with each trailer but shall be located at least 10 feet from the principal trailer. In addition, the accessory building shall conform to the following standards:
 - a No accessory building shall be utilized for human occupation
 - b No accessory building shall extend beyond the required front yard or the front line of the principal building.
 - c No accessory building shall extend into the required side yard.
 - d Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure
 - e No accessory building shall exceed twenty (20) feet in height.
- D. Street System
 - i. The internal street system shall consist of paved streets with a paved surface a minimum of 22 feet wide measured from the edge of the paved surface to the edge of the paved surface.
 - ii. The construction standards for the streets shall include: The sub-base shall consist of six (6) inches of crush run, per the Somerville Subdivision Regulation standards, covered by two (2) inches of asphalt.

- E. Water Lines – shall be a minimum six (6) inch water main looped for adequate water pressure for fire protection with one hydrant every two hundred fifty feet and shall be approved by the water and sewer department.
 - F. Sewer Lines – shall be a minimum eight (8) inch sewer pipe, with four (4) inch force mains where applicable, designed according to the standards required in the subdivision regulations and shall be approved by the water and sewer department.
 - G. Three-foot wide concrete sidewalks – shall be provided for mobile home spaces to the mobile home park office. The sidewalks shall be three inches thick to prevent cracking.
 - H. Paved Parking – all trailer plots shall provide a minimum of 400 square feet of paved parking area.
 - I. Lighting – Lighting within the mobile home park shall be consistent with lighting intensity and spacing as provided within the residential areas of the City of Somerville and consistent with all applicable standards of the City of Somerville.
 - J. Drainage Plan – shall be prepared by a licensed surveyor or engineer and approved by Director of Public Works.
7. Regulations for Establishment of Mobile Home Parks
- A. Planning Commission Approval of Site Plan
 - i. The applicant desiring to establish a mobile home park will submit a site plan of the proposed development, along with proof of ownership of the site. In addition to the site plan information required, the location of the trailer park and the boundaries of the trailer plots will be indicated.
 - ii. The planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
 - iii. The Planning Commission shall review the Site Plan and make a decision to approve within thirty (30) days. In making its recommendation, the Planning Commission shall consider and determine whether the proposed structure(s) included in the Site Plan will conform to proper design standards and the general character of the area. The proposed development shall have a reasonable relationship to the area and shall be conducive to proper development of the Town and its existing environment in an effort to prevent the harmful effects of improper appearances of buildings erected in the Town and thus to promote the health, safety, comfort, general welfare and prosperity of the community.
 - iv. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to minor revisions being required of the applicant.

- v. 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 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.
- vi. 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.
- vii. A fee of three hundred dollars (\$300.00) payable to the Town of Somerville shall be charged to partially defray the cost of review and processing of each site plan application, except that the fee shall be waived for any governmental agency. Fee is payable at time of submittal for Planning Commission review.
- viii. Where public improvements are required as a part of site plan approval, the developer(s) 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 one hundred (100% percent of the required public improvements by the developer(s) and shall include a surety bond or irrevocable letter of credit for such public improvements.

B. Licenses and License Fees

- i. No mobile home may be located in the Town of Somerville unless the same shall be in an approved and duly licensed Mobile Home Park.
- ii. It shall be unlawful for any person to maintain or operate within the corporate limits of the Town of Somerville any mobile home park unless such person shall first obtain a license for that park.
- iii. Licenses shall not be transferred.
- iv. The annual license fee for each mobile home park shall be established by the Board of Mayor and Aldermen of the Town of Somerville.
- v. The license shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

C. Application for License – Applications for a mobile home license shall be filed with and issued by the Building Inspector. Applications shall be in writing signed by the applicant and shall contain the following:

- i. The name and address of the applicant

- ii. The location and legal description of the mobile home park
 - iii. A complete plan with specifications of all buildings and other improvements constructed or to be constructed within the mobile home park shall be provided. The sketch shall be drawn to scale showing the number and arrangement and size of mobile home plots, pads, parking, roadways, water supply, water outlet location, type of sewerage and garbage disposal, location of recreation and other facilities.
 - iv. Such further information as may be requested by the Building Inspector to enable him to determine if the proposed park will comply with the legal requirements. The application and all accompanying plans and specifications shall be filed in triplicate. The Building Inspector, and the Health Officer shall investigate the applicant and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of this Ordinance, the Building Inspector shall approve the application and upon completion of park according to the plans, shall issue the license.
- D. Revocation of License – The Building Inspector shall make periodic inspection of the park to ensure compliance with this Ordinance. In case of non-compliance with any provisions of this Ordinance, the Health Officer and/or Building Inspector shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the Health Officer and Building Inspector shall have the authority for the revocation of the license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.
8. Register of Mobile Homes – It shall be the duty of the licensee to keep a register containing a record of all mobile home owners located within the park. The register shall contain the following information:
- A. The make, model and year of all mobile homes;
 - B. Owner and Lessee of each mobile home;
 - C. The dates of arrival and departure of each mobile home or recreational vehicle. The park shall keep the register available for inspection at all times by law enforcement officers, whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.
9. Non-conforming Mobile Home Parks – All additions or improvements to an existing non-conforming mobile home park shall be conforming to these regulations.

14-507 PRD Planned Residential District

1. Planned Residential Development

This section is intended to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded by other districts in this Ordinance. It is intended to provide a maximum of design freedom in order to create a better living environment by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses. Through the requirement of a development plan, it is the intent that property under this section will be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment. Increased residential densities may be permitted under this Section if such increase can be substantiated on the basis that the superior design makes greater densities possible with no reduction of amenities. This section is not intended as a panacea and should not be utilized as a device for making increased densities more acceptable or as a means of circumventing the town's development regulations.

2. Objectives

The Board of Mayor and Aldermen may, upon proper application, rezone a site of at least five (5) acres to PRD to facilitate the use of flexible techniques of land development and site design by providing relief from zone requirements designed for conventional developments. In addition, the Board may establish standards and procedures, including restricting land uses to only those compatible to surrounding development prior to a rezoning in order to obtain one or more of the following objectives;

- A. Promote flexibility in design and permit planned diversification in the location of structures.
- B. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
- C. Preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
- D. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
- E. Combine and coordinate architectural styles, building forms and building relationships within the planned developments.
- F. Ensure a quality of construction commensurate with other developments within the Town.
- G. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- H. Rational and economic development in relation to public services.
- I. Efficient and effective traffic circulation, both within and adjacent to the development site.

J. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.

3. Types of Planned Residential Developments

Under this section, the following types of Planned Residential Developments (PRD) shall be permitted, subject to the stated requirements. PRD's are established by overlaying a Preliminary Development Plan over the existing district. The overlays are as follows: PRD (Planned Residential Development) over R-2, R-3, R-4 and R-5 districts. A zoning amendment is required following the procedures outlined in this section and in accordance with Chapter 12 of this Zoning Ordinance.

4. Modification of District Regulations

Planned Residential Developments may be constructed in the above zoning districts subject to the standards and procedures set forth below:

A. Except as modified by and approved in the ordinance approving a preliminary development plan, a Planned Residential Development shall be governed by the regulations of the district or districts in which the said Planned Residential Development is located.

B. The ordinance approving the preliminary development plan for the Planned Residential Development may provide for such exceptions from the district regulations governing area, setback, width and other bulk regulations, parking, and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Residential Development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Residential Development and further provided that no modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:

i. Inadequate or unsafe access to the Planned Residential Development.

ii. Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity.

iii. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Residential Development.

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

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

5. Coordination with Subdivision Regulations

The uniqueness of each proposal for a Planned Residential Development may require that specifications for which the width and surfacing of streets, public ways, public utility right-of-ways, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission. Modifications may be incorporated only with the review of the Somerville Planning

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

A. It is the intent of this Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Residential Development under this section of the Zoning Ordinance.

B. The development plans submitted under Sub-section H. of this Section must be submitted in a form which will satisfy the requirements of the Subdivision Regulations for preliminary and final plats.

C. The requirements for both this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all PRD's and all actions of the Town Board pertaining to PRD's shall be based upon a recommendation by the Planning Commission.

6. General Provisions

The following general provisions shall apply to any Planned Residential Development Districts created by the Board of Mayor and Aldermen.

A. Application for Planned Residential Development Permit Required

Each application for a Planned Residential Development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations. Variances to the requirements of both regulations may be granted upon review and approval of the Planning Commission.

B. Waiver of Board of Zoning Appeals Action

No action of the Board of Zoning Appeals shall be required in the approval of a Planned Residential Development District.

C. Ownership and Division of Land

No tract of land may be considered for or approved as a PRD unless such tract is under the single ownership of a landowner. For the purpose of this Ordinance, a landowner may be a person partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PRD application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of PRD, the landowner of an adopted PRD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the final development plan.

D. Professional Design

The Somerville Planning Commission shall not consider any development plan for any proposed Planned Residential Development, either on a preliminary or final basis, nor shall the Somerville Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Residential Development unless such proposed plan includes a certification that the services of a licensed civil engineer or licensed land surveyor was utilized in the preparation of the master plan.

E. Development Period; Staging

The expeditious construction of any planned residential development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the adopted final development plan.

i. Start of Development

Within one year from and after the date of the action establishing a PRD, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development.

ii. Completion Period

The Somerville Planning Commission may recommend and the Board of Mayor and Aldermen may establish a reasonable period of time for the completion of the Planned Residential Development at the time the PRD district is established. If no substantial construction, as determined by the Building Inspector, has begun or no use established in the PRD within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the Town Board and shall be of no further effect. At its discretion and for good cause, the Town Board, upon recommendation by the Planning Commission, may extend for a reasonable time, not to exceed one year, the period for the beginning of construction or the establishment of a use.

iii. Staging of Development

The Board of Mayor and Aldermen may elect to permit the staging of development, in which case, the following provision shall be complied with each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of the development. The development staff shall review any proposed phasing plan and recommend to the Planning Commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening. The Developer shall also prepare a cost estimate of the recommended improvements for bonding purposes.

F. Common Open Space and Public Facilities

The requirements of common open space and public facilities shall be in accord with the provisions of this Section.

- i. Common open space must be usable for recreational purpose or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Residential Development considering its size, density, expected population, topography and the number and type of structures to be provided.
- ii. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefrom, and must conserve and

enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.

- iii. The development phasing sequence which is part of the preliminary development plan must coordinate the improvement of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a Planned Residential Development, but in no event shall occupy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
- iv. No common open space of a Planned Residential Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Somerville Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the Planned Residential Development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.
- v. All land shown on the final development plan as common open space may be either:
 - a. conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or,
 - b. conveyed to an organization for ownership and maintenance subject to the following:
 - (1) The Somerville Planning Commission and Somerville Board of Mayor and Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Town of Somerville and said dedication be approved by the Board of Mayor and Aldermen. However, the conditions of any transfer shall conform to the adopted final development plan.
 - (2) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final development plan, the Building Official may serve written notice upon such organization and/or the owners or residents of the Planned Residential Development and hold a public hearing. After 30 days when the deficiencies of maintenance are not corrected, the Building Official shall call upon any public or private agency to maintain the common open space.

- (3) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Planned Residential Development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- (4) If the common open space is deeded to a Homeowners' and/or Property Owners Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include but not be limited to the following:
 - (a) The Association must be set up before the homes are sold.
 - (b) Membership must be mandatory for each home buyer and any successive buyer.
 - (c) The open space restrictions must be permanent, not just for a period of years.
 - (d) The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
 - (e) Homeowners/Property owners must pay their pro rata share of the cost of the assessment levied by the association to meet changed needs.

G. Dedication of Public Facilities

The Somerville Planning Commission and the 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.

H. Bond Requirement for Improvements

The Planning Commission shall require that a performance bond or irrevocable letter of credit be furnished and filed with the Town of Somerville for private and public improvements. Said bond or irrevocable letter of credit shall accompany the request for final plan approval to insure completion of all improvements including, but not limited to, public site improvements, streets surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting, and screening, as recommended by the Development Staff.

I. Relation to Utilities, Public Facilities

PRD districts shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds and other public facilities required as having access in the same degree as would development in a form generally permitted in the area.

J. Site Planning

Site planning within any PRD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of

surrounding areas from potentially adverse influences within the development, including, but not limited to, area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental considerations.

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

K. Accessory Off-Street Parking and Loading

Accessory off-street parking and loading in the PRD shall be regulated by Chapter 3 of this Zoning Ordinance.

7. Specific Standards and Criteria for Planned Residential Developments

In addition to the general standards and general provisions set forth above, Planned Residential Developments shall comply with the requirements and standards which follow.

A. Permitted Uses

It is the intent of this Ordinance that any site or parcel of land to be developed as PRD shall not be less than five (5) acres and shall be under single ownership. Within the PRD District, the following uses are permitted subject to review by the Planning Commission and approval of the Board of Mayor and Aldermen.

Any permitted use, accessory use, or conditional use allowed in the underlying residential district or districts.

B. Residential Densities

In PRD developments there are no minimum lot sizes or yard requirements. However, lot dimensions and lot sizes must be shown on the Preliminary Development Plan which must be reviewed by the Planning Commission and approved by the Board of Mayor and Alderman. Within any PRD classification, the Board of Mayor and Aldermen may authorize an increase in overall residential density within the project area.

The base densities are as follows:

<u>Zone</u>	<u>Density</u>
R-2	2.90 units per acre
R-3	4.84 units per acre
R-4	8 units per acre
R-5	8 units per acre

- i. There shall be a minimum of 0.02 acres of open space per dwelling unit. An increase in density not to exceed sixteen (16) percent may be granted for the dedication of an additional six (6) percent of the total PRD to the Town of Somerville. The site must be of such nature that excessive cut or fill is not required. The site must also be landscaped to the specifications of a landscape plan which must be submitted by the developer and approved by the Planning Commission. The Town reserves the right to accept or decline any proposed land dedication. The minimum lot size for donation to the Town of Somerville shall be two (2) acres.

An increase in density not to exceed ten (10) percent may be granted for incorporating additional recreational uses and facilities, or imagination in recreation design such as providing club houses, swimming pools, tennis courts, and other major facilities.

- ii. All provisions for increases in density granted under this section must be accomplished at the time that fifty (50) percent of the dwelling units per development phase are occupied.

The Board of Mayor and Aldermen may prohibit or limit an increase in density to avoid the following conditions:

- a. Inconvenient or unsafe access to the Planned Residential Development.
- b. Traffic congestion in the streets within or adjoining the Planned Residential Development.
- c. An excessive burden on parks, recreation areas, schools, police and fire protection, and other public facilities which serve or are proposed to serve the Planned Residential Development.

The developer shall submit documentation, plans and drawings as necessary to justify density increases. The Board of Mayor and Aldermen may decrease or eliminate allowed density increases if it is determined that the developer is not performing as agreed upon.

C. Accessibility of Site

All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Residential Development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission. There shall be at least two points of egress and ingress from a public street.

D. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms, and/or hedges and screening walls.

E. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

F. Privacy

The Planned Residential Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Residential Development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers.

8. Procedures for Planned Residential Development Approval

The provisions of this Section govern the procedure for approval of all Planned Residential Developments provided herein.

A. Pre-Application Procedure

- i. At least thirty (30) days prior to filing any application for a Planned Residential Development, the prospective applicant shall request a pre-application conference

with the Planning Staff. The applicant should have at least three (3) alternative concepts.

- ii. To obtain information, each applicant shall confer with the Town Planner in connection with the preparation of the Planned Residential Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Residential Development application. Thereafter, the Town Planner shall furnish the applicant with comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Residential Development application.

B. Preliminary Development Plan

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Residential Development

A final development plan, including all the requirements of a preliminary development plan, may be submitted as a single application when the proposed development plan shall contain all items required by this Ordinance and shall include those items which the Planning Commission shall specify in rules published from time to time, as well as the following.

i. Written Documents

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

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

- (a) the approximate date when construction of the project can be expected to begin;
 - (b) the order in which the phases of the project will be built; and
 - (c) the minimum area and the approximate location of common open space and public improvements that will be required at each stage.
- d. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PRD, such as land areas, dwelling units, etc.
 - e. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space).

- f. A statement setting forth in detail either, (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Residential Development, or (2) the bulk regulations under which the Planned Residential Development is proposed.
- ii. Site Plan and Supporting Maps
- A site plan and any maps necessary to show the major details of the proposed PRD must contain the following minimum information:
- a. The existing site conditions including contours at two (2) foot intervals, water courses, flood plains, unique natural features and forest cover.
 - b. Proposed lot lines and plot designs.
 - c. The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, and density per type.
 - d. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.
 - e. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.
 - f. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
 - g. The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage.)
 - h. A general landscape plan indicating the treatment of materials used for private and common open spaces.
 - i. Enough information on land area adjacent to the proposed PRD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
 - j. The proposed treatment of the perimeter of the PRD, including materials and techniques used such as screens, fences, and walls.
 - k. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PRD.

C. Preliminary Development Plan Approval Process and Effect of Approval

- i. At least thirty (30) days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or his agent shall submit to the Planning

Commission the Preliminary Development Plan, a completed application form, and all other information required under this Section. The Planning Commission shall review the application and shall recommend to the Board of Mayor and Alderman to: approve; disapprove; or approve the Planned Residential Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next regular meeting.

- ii. The Board of Mayor and Aldermen shall hold a public hearing on the application for the Planned Residential Development and the preliminary plan after receipt of recommendations from the Planning Commission and city staff and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing and shall provide written notice and publication in accordance with Section 14-907 of this Ordinance. The Board of Mayor and Aldermen shall render a decision on any appeal and shall: approve; disapprove; or approve the proposed Planned Residential Development and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.
- iii. The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the Town of Somerville Board with respect to the contents of such plan.
- iv. The preliminary development plan shall be used in lieu of preliminary plat and construction plat to comply with the provisions of the Subdivision Regulations pertaining to preliminary plats.
- v. The Somerville Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

D. Final Development Plan Approval Process

- i. An application for approval of a final development plan of the entire Planned Residential Development, if it is to be completed in one phase, or of a portion of the Planned Residential Development, if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting.
- ii. The application for final development plan approval shall be filed with the Planning Commission and shall include, but not be limited to, the following:
 - a. A plan suitable for recording with the Fayette County Register's Office.
 - b. Proof referred to on the plan and satisfactory to the Town Attorney as to the provision and maintenance of common open space.
 - c. All certificates, seals and signatures required for the dedication of land and recordation of documents.
 - d. Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and the gross floor area for commercial and industrial uses.
 - e. Location and type of landscaping.
 - f. Location and dimensions of utility and drainage facilities.

- g. All other requirements of a Final Plan under the Somerville Subdivision Regulations.
- iii. A decision shall be rendered on a final development plan by the Planning Commission. If a final plan is disapproved by the Planning Commission the applicant may file a final development plan which substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved preliminary development plan.
- iv. After a final development plan is approved by the Planning Commission, the Building Inspector shall record such plan in the Fayette County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the Town of Somerville Subdivision Regulations and the required signatures for recordation have been secured.

E. Zoning Administration - Permits

The Building Official may issue building permits for the area of the Planned Residential Development covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final development plan of any stage of the Planned Residential Development unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowners' Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structures conform to the requirements of the approved final development plan and all other applicable regulations and ordinances.

F. Reapplication if Denied

If any application for a Planned Residential Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Residential Development may not be filed within twelve (12) months of the date final action was taken on the previous application unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Alderman.

G. Procedure for Amendment

A Planned Residential Development and the approved preliminary development plan may be amended in accordance with the procedure which governed its approval as set forth in this Section.

CHAPTER 6

PROVISIONS GOVERNING BUSINESS DISTRICTS

SECTION

- 14-601 B-1 Central Business District
- 14-602 B-2 Community Business District
- 14-603 B-3 Limited Business District
- 14-604 B-4 Neighborhood Business District

14-601 B-1 Central Business District Regulations

1. Uses Permitted

- A Agriculture, limited to; agricultural services, including only veterinary services and landscape and horticultural services
- B Finance, Insurance and Real Estate
- C Public Administration, limited to:
 - i. Executive, legislative, and general government, except finance
 - ii. Justice, public order and safety, excluding correctional institutions
 - iii. Public finance, taxation and monetary policy
 - iv. Administration of human resources programs
- D Retail, limited to:
 - i. Building materials, hardware and garden supply, excluding mobile home dealers
 - ii Food stores
 - iii Automotive dealers and service stations, limited to new and used car dealers, and auto supply
 - iv Apparel and accessory stores
 - v Furniture and home furnishings stores
 - vi Eating and drinking places, limited to eating places
 - vii Apothecaries, Drug Stores and Pharmacies
 - viii Used merchandise stores not including motor vehicles parts, motor vehicles, trailers, boats, mobile homes, scrap and waste dealers
 - ix Sporting Goods and Bicycle Shops
 - x Bookstores
 - xi Stationary Stores
 - xii Jewelry Stores
 - xiii Hobby Toy and Game Shops
 - xiv Camera and Photographic Supply Stores
 - xv Gift Novelty and Souvenir Shops
 - xvi Luggage and Leather Goods Stores

- xvii Sewing, Needlework and Piece Goods Supplies
- xviii Non-Store Retailers
- xix Florist
- xx Tobacco Stores
- xxi Newsstands
- xxii Optical Goods
- E Personal services excluding:
 - i Escort Service
 - ii Massage Parlors
 - iii Tattoo Parlors
 - iv Turkish Baths
- F Business services, excluding miscellaneous equipment rental and leasing
- G Day care centers
- H Automotive repair, services and parking, excluding racing and track operations
- I Miscellaneous repair services
- J Motion pictures
- K Amusement and recreation services; excluding racing and track operations
- L Health services, excluding hospitals
- M Legal services
- N Educational Services limited to elementary and secondary schools and libraries
- O Social Services limited to child day care services and residential care, including only, homes for the aged, with health care incidental
- P Membership organizations:
 - i Business associations
 - ii Professional membership organizations
 - iii Labor unions and similar organizations
 - iv Civic social and fraternal organizations
 - v Political organizations
 - vi Religious organizations
- Q. Engineering and management services; excluding research, development and testing services.
- R. Transportation and public utilities limited to:
 - i United States Postal Service

- ii Transportation services, limited to passenger transportation arrangement and freight transportation arrangement
 - iii Communication services, electric communication and telephone distribution lines, poles, 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
 - v Rights-of-way for all modes of transportation
- S. Accessory buildings customarily incidental to any aforementioned permitted use provided:
- (i) The accessory structure is not a mobile home, manufactured home or modular home as defined in these regulations
 - (ii) No storage facilities, including motor freight trailers and cargo containers as defined in these regulations, shall be located in front of or in the side lot of any building. In the case of mobile structures, such accessories may be parked in front or to the side of a building only while loading and unloading for a period of time not to exceed four (4) hours; and, furthermore, said activities shall be permitted only where no other point of access is available. No portion of this ordinance shall be construed as excluding or prohibiting vehicles and storage facilities associated with any construction project authorized by a building permit issued by the Town of Somerville.
- T. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained.

2. Uses Permissible on Appeal

None

3. Uses Prohibited

Any other uses or structures not specifically permitted or permissible on appeal in this chapter are prohibited. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by these provisions.

4. Regulations Controlling Lot Area, Lot Width and Yards

The principal building shall be located so as to comply with the following requirements:

Use	Minimum Lot Size	Minimum Lot Width*	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard
Gasoline Service Stations	~	120'	25'	20'	10'
Day Care Centers	30,000 sq.ft.	85'	25'	20'	10'
Group Day Care Centers	12,000 sq.ft.	85'	25'	20'	10'
Homes for the Aged (Assisted Living Facilities)	7,500 sq. ft. for the 1 st unit and 3,500 sq. ft for each additional unit	100'	25'	20'	25'
Churches	15,000 sq. ft.	100'	25'	20'	25'
All other uses	No minimum	None	**	None	None***

*Minimum lot width is measured at the building line. **Must meet the average setback of all of the buildings on the same block. ***If the building does not have a common wall then there shall be a set-back of 5'

5. Maximum permitted height of structures
 - A. No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.
 - B. No accessory building shall exceed 20 feet in height.
 - C. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision).
6. Maximum Number of Principal Buildings Permitted

None provided all yard and parking requirements can be met.
7. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter 3.
8. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Chapter 3 of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

14-602 B-2 Community Business District Regulations

Within B-2 (Community Business) District, as shown on the Zoning Map of Somerville, Tennessee, the following regulations shall apply:

1. Uses Permitted
 - A Agriculture, limited to; agricultural services, including only veterinary services and landscape and horticultural services
 - B Finance, Insurance and Real Estate
 - C Public Administration, excluding correctional institutions and major Postal Processing Centers
 - D Retail, limited to:
 - i. Building materials, hardware except for
 - a. Lumber yards
 - b. Greenhouse and nursery products
 - ii. Food stores
 - iii. Automotive dealers and service stations limited to:
 - a. Service stations
 - b. Auto parts (new)
 - c. Auto dealership
 - d. Car wash
 - e. Motorcycle sales
 - f. Tire sales and service
 - g. Auto and Truck Rental
 - iv. Apparel and accessory stores
 - v. Furniture and home furnishings stores
 - vi. Eating and drinking places, limited to eating places
 - vii. General Merchandise Stores
 - viii. Apothecaries, Drug Stores and Pharmacies
 - ix. Used Merchandise stores not including motor vehicles parts, motor vehicles, trailers, boats, mobile homes, scrap and waste dealers
 - x. Sporting Goods and Bicycle Shops
 - xi. Bookstores
 - xii. Stationary Stores
 - xiii. Jewelry Stores
 - xiv. Hobby Toy and Game Shops
 - xv. Camera and Photographic Supply Stores
 - xvi. Gift novelty and souvenir shops
 - xvii. Luggage and Leather Goods Stores

- xviii. Sewing, Needlework and Piece Goods Supplies
- xix. Non Store Retailers
- xx. Florist
- xxi. Tobacco Stores
- xxii. News stands
- xxiii. Optical Goods

F. Services limited to:

- i. Personal services excluding:
 - a. Escort Service
 - b. Massage Parlors
 - c. Tattoo Parlors
 - d. Turkish Baths
- 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
- iii Automotive repair, services and parking excluding: Tire recapping or retreading
- iv Radio and Television Repair
- v Refrigeration and air conditioning repair
- vi Electronic and electrical repair
- vii Watch Clock and Jewelry repair
- viii Re-upholstery and furniture repair
- ix Motion Pictures
- x Amusement and recreation services limited to:
 - a. Roller skating
 - b. Bowling
 - c. Electrical amusement devices, arcades
 - d. Billiard parlor
 - e. Health spa
 - f. Miniature golf
 - g. Parks, play fields, playgrounds
- xi. Health services, excluding hospitals
- xii. Legal services
- xiii. Educational services; excluding driving schools
- xiv. Hotels and Motels

- xv. Social services, limited to child day care services and residential care, including only homes for the aged (assisted living facilities)
 - xvi. Membership organizations;
 - a. Business Associations
 - b. Professional Membership Organizations
 - c. Labor Unions and Similar Organizations
 - d. Civic Social and Fraternal Organizations
 - e. Political Organizations
 - f. Religious Organizations
 - xvii. Contract Construction Services
 - xviii. Engineering and management services, excluding Research, Development, and Testing Services
- G. 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)
 - v Right-of-way to all modes of transportation small landscaped scenically significant open areas, natural reserves
- H. Accessory buildings customarily incidental to any aforementioned permitted use provided:
- i. The accessory structure is not a mobile home, manufactured home or modular home as defined in these regulations
 - ii. No storage facilities, including motor freight trailers and cargo containers as defined in these regulations, shall be located in front of or in the side lot of any building. In the case of mobile structures, such accessories may be parked in front or to the side of a building only while loading and unloading for a period of time not to exceed four (4) hours; and, furthermore, said activities shall be permitted only where no other point of access is available. No portion of this ordinance shall be construed as excluding or prohibiting vehicles and storage facilities associated with any construction project authorized by a building permit issued by the Town of Somerville.
- I. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained.
2. Uses Permissible on Appeal:
- A. Temporary Festivals
 - B. Cemeteries

- C. Public Utilities limited to:
 - i. Railroad, bus and transit terminals
 - ii. Utility corporations and truck yards
 - iii. Radio and television transmission stations
 - iv. Railroad yards and other transportation equipment
 - v. Marshalling and storage areas
 - vi. Reservoirs and water tanks
 - vii. Electric transmission lines
 - viii. Gas, electric production and treatment facilities
 - ix. Water production and treatment facilities
 - x. Cell towers
- C. Lumber, Hardware, Building Materials limited to: Greenhouse and Nursery Products
- D. Auto Dealers and Service Stations limited to:
 - i. Auto parts-used
 - ii. Boat and marine sales
 - iii. Truck, heavy equipment sales
 - iv. Mobile home sales; prefabricated homes
- E. Amusement and Recreation limited to:
 - i Drive in Movie
 - ii Amusement park
 - iii Fairground
 - iv Golf Driving range
 - v Indoor shooting range
 - vi Country Club
 - vii Golf Courses
 - viii Stadiums, sports, areas, auditoriums and band stands
- F. Business services limited to:
 - i. Photo finishing
 - ii. Research services
 - iii. Metal and wood fencing, ornamental grill work
- G. Wholesale Trade limited to:
 - i. Drugs chemicals and allied products
 - ii. Groceries and related products
 - iii. Electrical goods

- iv. Hardware, plumbing and cooking equipment and supplies
- v. Metal and mineral

H. Educational Services Limited to Colleges

I. Arboreta and Botanical or zoological Garden

3. Uses Prohibited

Any other uses or structures not specifically permitted or permissible on appeal in this Chapter are prohibited. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by these provisions.

4. Location of Accessory Building

Accessory buildings shall be located on the lot in accordance with Chapter 3, Section 14-311.

5. Location of Accessory Structures

Accessory structures shall be located on the lot in accordance with Chapter 3, Section 14-312. No accessory building shall be erected in any required front yard, shall be at least five (5) feet from side or rear lot lines and from any other building on the same lot.

6. Regulations Controlling Lot Area, Lot Width and Yards.

The principal building shall be located so as to comply with the following requirements.

Use	Minimum Lot Size	Minimum Lot Width*	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard
Gasoline Service Stations	~	120'	25'	20'	10'
Day Care Centers	30,000 sq. ft.	85'	25'	20'	10'
Group Day Care Centers	12,000 sq. ft.	85'	25'	20'	10'
Homes for the Aged (Assisted Living Facilities)	7,500 sq. ft. for the 1 st unit + 3,500 sq. ft. for each additional unit	100'	25'	20'	25'
Churches	15,000 sq. ft.	100'	25'	20'	25'
All other uses	None	35'	25'	20'	None**

*Minimum lot width is measured at the building line. **However, if the building does not have a common wall then there shall be a set-back of 5'.

7. Maximum permitted height of structures

A. No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed 55 feet, however, on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height

B. No accessory building shall exceed 20 feet in height.

C. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision).

8. Maximum Number of Principal Buildings Permitted

None provided all yard and parking requirements can be met.

9. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter 3.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Chapter 3 of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

14-603. B-3 (Limited Business) District

Within B-3 (Limited Business) Districts, as shown on the Zoning Map of Somerville, Tennessee, the following regulations shall apply:

1. Uses Permitted
 - A Agriculture, limited to; agricultural services, including only veterinary services and landscape and horticultural services or coverings and draperies; and nursery and greenhouse
 - B Construction, limited to special trade contractors
 - C Finance, Insurance and Real Estate
 - D Public Administration, limited to:
 - i Executive, legislative, and general government, except finance
 - ii Justice, public order and safety, excluding correctional institutions
 - iii Public finance, taxation and monetary policy
 - iv Administration of human resources programs
 - E Retail, limited to:
 - i Building Materials, hardware and garden supply, excluding mobile home dealers
 - ii Food stores
 - iii Automotive dealers and service stations limited to new and used car dealers and auto supply
 - iv Apparel and accessory stores
 - v Furniture and home furnishings stores
 - vi Eating and drinking places, limited to eating places
 - vii Services, limited to:
Personal services; excluding:
 - i. Escort Service
 - ii. Massage Parlors
 - iii. Tattoo Parlors
 - iv. Turkish Baths
 - viii Business services, excluding miscellaneous equipment rental and leasing
 - ix Automotive repair, services and parking, excluding racing and track operations
 - x Miscellaneous repair services
 - xi Motion pictures
 - xii Amusement and recreation services; excluding racing and track operations
 - xiii Health services, excluding hospitals
 - xiv Legal services

- xv Educational services, limited to elementary and secondary schools and libraries
- xvi Social services, limited to child day care services and residential care, including only, homes for the aged, with health care incidental
- xvii Membership organizations
- xviii Engineering and management services, excluding research, development, and testing services
- xix Transportation and Public Utilities, limited to:
 - a. Trucking and warehousing; limited to general warehousing and storage
 - b. United States Postal Service
 - c. Transportation services, limited to passenger transportation arrangement and freight transportation arrangement
 - d. Communication services, Electric Communication and telephone distribution lines, poles transformers and splice boxes
 - e. Water storm drainage and sewer lines and gas distribution lines with incidental appurtenances but not including major fuel transmission lines
 - f. Rights of way to all modes of transportation
- xx. Accessory buildings customarily incidental to any aforementioned permitted use provided:
 - a. The accessory structure is not a mobile home, manufactured home or modular home as defined in these regulations
 - b. No storage facilities, including motor freight trailers and cargo containers as defined in these regulations, shall be located in front of or in the side lot of any building. In the case of mobile structures, such accessories may be parked in front or to the side of a building only while loading and unloading for a period of time not to exceed four (4) hours; and, furthermore, said activities shall be permitted only where no other point of access is available. No portion of this ordinance shall be construed as excluding or prohibiting vehicles and storage facilities associated with any construction project authorized by a building permit issued by the Town of Somerville.
- xxi. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained

2. Uses Permissible on Appeal

None

3. Uses Prohibited

Any other uses or structures not specifically permitted or permissible on appeal in this chapter are prohibited. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by these provisions.

4. Location of Accessory Buildings

Accessory buildings shall be located on the lot in accordance with Chapter 3, 14-311.

5. Location of Accessory Structures

Accessory structures shall be located on the lot in accordance with Chapter 3, Section 14-312. No accessory building shall be erected in any required front yard, shall be at least five (5) feet from side or rear lot lines and from any other building on the same lot.

6. Regulations Controlling Lot Area, Lot Width, and Yards

The principal building shall be located so as to comply with the following requirements.

Use	Minimum Lot Size	Minimum Lot Width*	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard
Gasoline Service Stations	~	120'	25'	20'	10'
Day Care Centers	30,000 sq. ft.	85'	25'	20'	10'
Group Day Care Centers	12,000 sq. ft.	85'	25'	20'	10'
Homes for the Aged (Assisted Living Facilities)	7,500 sq. ft. for the 1 st unit + 3,500 sq. ft. for each additional unit	100'	25'	20'	25'
Churches	15,000 sq. ft.	100'	25'	20'	25'
All other uses	None	35'	25'	20'	None**

*Minimum lot width is measured at the building line. ** However, if the building does not have a common wall then there shall be a set-back of 5'

7. Maximum permitted height of structures

No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet. Not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.

No accessory building shall exceed 20 feet in height.

Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision.)

8. Maximum Number of Principal Buildings Permitted

None provided all yard and parking requirements can be met.

9. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter 3.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Chapter 3 of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

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14-604 B-4 Neighborhood Business District Regulations

Within B-4 (Neighborhood Business) districts, as shown on the Zoning Map of Somerville, Tennessee, the following regulations shall apply:

1. Uses Permitted

- A Agriculture, limited to agricultural; services, including only veterinary services provided all animals are kept within the Principal structure and landscape and horticultural services
- B Finance, Insurance and Real Estate
- C Religious Activities
- D Public Administration, excluding correctional institutions
- E Retail, limited to:
Non-stock Retailers
- F Services, limited to:
 - i. Personal services excluding:
 - a. Escort Services
 - b. Massage Parlors
 - c. Tattoo Parlors
 - d. Turkish Baths
 - 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
- G Health services, excluding hospitals
- H Legal services
- I Educational services excluding driving schools
- J Social services, limited to child day care services and residential care, including only homes for the aged (assisted living facilities)
- K Membership organizations
- L Engineering and management services, excluding Research, Development, and Testing Services
- M 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

N Right-of-way to all modes of transportation, small landscaped scenically significant open areas, natural reserves

O Accessory buildings customarily incidental to any aforementioned permitted use provided the accessory structure is not a mobile home, manufactured homes or modular home as defined in these regulations

P Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained

Q Park, playground, playfield

2. Uses Permissible on Appeal

None

3. Uses Prohibited

Any other uses or structures not specifically permitted or permissible on appeal in this Chapter are prohibited. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by these provisions.

4. Location of Accessory Buildings

Accessory buildings shall be located on the lot in accordance with Chapter 3, Section 14-311.

5. Location of Accessory Structures

Accessory structures shall be located on the lot in accordance with Chapter 3, Section 14-312. No accessory building shall be erected in any required front yard, shall be at least five (5) feet from side or rear lot lines and from any other building on the same lot.

6. Regulations Controlling Area, Lot Width, and Yards.

The principal building shall be located so as to comply with the following requirements.

Use	Minimum Lot Size	Minimum Lot Width*	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard
Day Care Centers	30,000 sq. ft.	85'	25'	20'	10'
Group Day Care Centers	12,000 sq. ft.	85'	25'	20'	10'
Homes for the Aged (Assisted Living Facilities)	7,500 sq. ft. for the 1 st unit + 3,500 sq. ft. for each additional unit	100'	25'	20'	25'
Churches	15,000 sq. ft.	100'	25'	20'	25'
All other uses	None	35'	25'	20'	None**

*Minimum lot width is measured at the building line

** However, if the building does not have a common wall then there shall be a set-back of 5'

7. Maximum permitted height of structures

No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet. Not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.

No accessory building shall exceed 20 feet in height.

Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision.)

8. Maximum Number of Principal Buildings Permitted

None provided all yard and parking requirements can be met.

9. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter 3.

10. Site Plan Review

Prior to the issuance of a building permit, site plan review is required in accordance with Chapter 3 of this ordinance. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Codes Enforcement Officer shall maintain a copy of the site plan in the permanent files of the Town.

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CHAPTER 7
PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION

- 14-701 Statement of Purpose
- 14-702 GM General Manufacturing District
- 14-703 RM Restricted Manufacturing District
- 14-704 LM Limited Manufacturing District

14-701 Statement of Purpose

1. General Purposes of Manufacturing Districts

The manufacturing districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. These general goals include, among others, the following more specific purposes:

- A. To provide sufficient space in appropriate locations to meet the needs for manufacturing expansion within 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; and
- D. To protect adjacent residential and commercial areas from offensive influences; and
- E. To promote the most efficient and desirable land use.

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14-702 GM-GENERAL MANUFACTURING DISTRICTS

1. Purpose and Intent

These districts are 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. It is required that all operations of such establishments be carried on within completely enclosed buildings, thus preventing any adverse characteristics from affecting neighboring properties. These districts may provide a buffer between other districts and other manufacturing activities which have more objectionable influences. Residential uses are excluded from these districts.

2. Uses and Structures

A. Principal Permitted Uses and Structures

- i.. Transportation and public utilities, limited to:
 - a. Communication service
 - b. Electric, gas and sanitary services limited to electric and sanitary services and combination utility services
- ii. Construction, limited to:
 - a. Building construction, general contractors and operative builders
 - b. Heavy construction other than building construction
 - c. Special trade construction
- iii. Wholesale trade, limited to:
 - a. Motor vehicles and automotive equipment, excluding used auto parts, salvage yards and junk yards
 - b. Dry goods and apparel
 - c. Groceries and related products
 - d. Farm products (raw materials), excluding livestock, horses and mules
 - e. Electrical goods
 - f. Hardware plumbing and hearing equipment and supplies
 - g. Tobacco and tobacco products
 - h. Paper products
 - i. Furniture and home furnishings
 - j. Lumber and construction materials
- iv. Manufacturing limited to;
 - a. Food and kindred products
 - b. Textile mill products
 - c. Apparel and other textile products
 - d. Lumber and wood products
 - e. Furniture and fixtures;

- f. Paper and allied products, limited to paperboard containers and boxes and miscellaneous converted paper products
 - g. Printing and publishing
 - h. Chemicals and allied products limited to drugs, soap, cleaners and toilet goods
 - i. Electronic and other electric equipment; instruments and related products
 - v. Accessory buildings customarily incidental to any aforementioned permitted use provided the accessory structure is not a mobile home, manufactured home or modular home as defined in these regulations.
 - vi. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained.
2. Uses Permissible on Appeal
None
3. Uses Prohibited
Any other use not specifically permitted or permissible on appeal in this Chapter is prohibited. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by these provisions.
3. Off-Street Parking
Accessory off-street parking and loading facilities as required in Chapter 3 of this ordinance.
4. Bulk Regulations
- A. Minimum Required Lot Area
Within the GM District, there is no minimum lot size.
 - B. Maximum Lot Coverage
Within the GM Districts, the maximum lot coverage for all structures, including accessory structures, shall not exceed fifty (50) percent of the total lot area.
 - C. Maximum Height
The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade. Exceptions may be made by the Planning Commission during the Site Plan Review Process, so long as no fire hazard is created.
5. Yard Requirements
- A. General Provisions
General provisions applicable to all Manufacturing districts concerning visibility at intersections, permitted obstruction in required yards, obstructions prohibited at street intersections, exceptions to these provisions and other regulations are contained in Section 14-310 of this ordinance.
 - B. Basic Provisions
The basic yard regulations appearing below apply to all zone lots within the GM Districts.
 - i. Front yard
In all GM Districts, front yards shall be a minimum of forty (40) feet. On double frontage and corner lots, there shall be a front yard on each street.

ii. Side Yard

In all GM Districts, side yards shall be a minimum of fifty (50) feet when the lot adjoins a residential district. For all other lots within the GM Districts, the minimum side yard shall be twenty-five (25) feet.

iii. Rear Yard

In all GM Districts, rear yards shall be a minimum of fifty (50) feet when the lot adjoins a residential district. For all other lots within the GM Districts, the minimum rear yard shall be twenty-five (25) feet.

6. Use of Required Area

The following uses may be made of yard areas in the GM Districts.

A. Landscaping

All yards not occupied by driveways and sidewalks shall be devoted to landscaping as defined in Section 14-316.

B. Driveways and Accessory Off-street Parking

No driveway or parking area shall occupy more than one-half of any required yard.

7. Site Plan Review

A. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

i. Be drawn on a scale of 1" = 100':

ii. Include the following:

a. all existing curbs and proposed roads and drainage ways

b. curb cuts, drives and parking areas

c. landscaping and planting screens

d. building lines enclosing the portion of the tract within which the buildings are to be erected

e. the proposed use of the land and buildings

f. the existing zoning

iii. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.

iv. Include a vicinity map showing the relationship of the proposed development to Somerville

v. Show the relation of the proposed development to:

a. the street system

b. the surrounding use district

c. surrounding properties

vi. Bear a certificate by a licensed surveyor, architect, contractor or civil engineer certifying that the plan as shown is true and correct;

vii. Bear a form for certificate of approval by the Secretary of the Planning Commission.

- viii. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.
 - B. The Planning Commission shall review the Site Plan within thirty (30) days. Where conditions have been required of the applicant, such changes, as required by the Planning Commission, shall have been made.
 - C. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to minor revisions being required of the applicant.
 - D. The certification required of the owner and trustee of the plan shall serve as the commitment by the owner that the site will 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.
 - E. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.
8. Other Requirements
- A. Enclosure Requirements
All uses shall be conducted within completely enclosed buildings except for parking and loading, exterior storage and other accessory uses which by nature must exist outside a building.
 - B. Exterior Storage
Exterior storage may be permitted in the side and rear yards of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further, provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.
 - C. Surfacing of Storage Areas
All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water in the area.

14-703 RM RESTRICTED MANUFACTURING DISTRICT

1. Purpose and Intent

These districts are 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 other similar characteristics require locations relatively well segregated from non-manufacturing uses. Residential uses are excluded from these districts.

2. Uses and Structures

A. Principal Permitted Uses and Structures

- i. Transportation and public utilities, limited to;
 - a. Transportation services
 - b. Communication service
 - c. Electric, gas and sanitary services, limited to electric and sanitary services and combination utility services
- ii. Construction, limited to:
 - a. Building construction, general contractors and operative builders
 - b. Heavy construction other than building construction
 - c. Special trade construction
- iii. Wholesale trade of durable and nondurable goods, limited to:
 - a. Furniture and Home furnishings
 - b. Lumber and Construction Materials
 - c. Professional and Commercial Equipment
 - d. Metals and Minerals, except Petroleum
 - e. Electrical Goods
 - f. Hardware, Plumbing and Heating Equipment
 - g. Machinery, equipment and supplies
 - h. Miscellaneous Durable Goods
 - i. Paper and Paper Products
 - j. Drugs, Proprietors, and Sundries
 - k. Apparel, Piece Goods, and Notions
 - l. Groceries and Related Products
 - m. Farm-Product Raw Materials
 - n. Petroleum and Petroleum Products
 - o. Miscellaneous Nondurable Goods
- iv. Manufacturing, limited to:
 - a. Food and Kindred products
 - b. Textile mill products

- c. Apparel and other textile products
- d. Lumber and wood products
- e. Furniture and fixtures
- f. Paper and allied products
- g. Printing and Publishing
- h. Chemicals and allied products, limited to soap, cleaners, and toilet goods
- i. Rubber and miscellaneous plastic products
- j. Stone, clay and glass products; except Concrete Products Manufacturing
- k. Primary metal industries
- l. Fabricated metal products; excluding Ordinance and Accessories (NEC)
- m. Industrial machinery and equipment
- n. Electronic and other electric equipment
- o. Transportation equipment
- p. Instruments and related products
- q. Miscellaneous manufacturing industries
- v. Accessory buildings customarily incidental to any aforementioned permitted use provided the accessory structure is not a mobile home, manufactured home or modular home as defined in these regulations.
- vi. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained.

B. Uses Permissible on Appeal
Laboratories and Research Facilities

C. Prohibited Uses
Any use not allowed by right, by accessory use or by conditional use is prohibited in the RM District

3. Bulk Regulations

A. Minimum Required Lot Area

Within the RM District, the minimum lot size shall be two (2) acres.

B. Maximum Lot Coverage

Within the RM Districts, the maximum lot coverage for all structures, including accessory structures, shall not exceed fifty (50) percent of the total lot area.

C. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade. Exceptions may be made by the Planning Commission during the Site Plan Review process, so long as no fire hazard is created.

4. Yard Requirements

A. General Provisions

General provisions applicable to all Manufacturing districts concerning visibility at intersections, permitted obstruction in required yards, obstructions prohibited at street intersections, exceptions to these provisions and other regulations are contained in Section 14-310 of this ordinance.

B. Basic Provisions

The basic yard regulations appearing below apply to all zone lots within the RM District.

i. Front Yards

In all RM Districts, front yards shall be a minimum of forty (40) feet. On double frontage and corner lots, there shall be a front yard on each street.

ii. Side Yards

In all RM Districts, side yards shall be a minimum of fifty (50) feet when the lot adjoins a residential district. For all other lots within the RM Districts, the minimum side yard shall be twenty-five (25) feet.

iii. Rear Yards

In all RM Districts, rear yards shall be a minimum of fifty (50) feet when the lot adjoins a residential district. For all other lots within the RM Districts, the minimum rear yard shall be twenty-five (25) feet.

5. Use of Required Area

The following uses may be made of yard areas in the RM Districts.

A. Landscaping

All yards not occupied by driveways and sidewalks shall be devoted to landscaping as defined in Section 14-316.

B. Driveways and Accessory Off-street Parking

No driveway or parking area shall occupy more than one-half of any required yard.

6. Site Plan Reviews

A. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

i. Be drawn on a scale of 1" = 100'

ii. Include the following:

a. all existing and proposed roads and drainage ways

b. curb cuts, drives and parking areas

c. landscaping and planting screens

d. building lines enclosing the portion of the tract within which the buildings are to be erected

e. the proposed use of the land and buildings

f. the existing zoning

iii. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.

- iv. Include a vicinity map showing the relationship of the proposed development to Somerville
 - v. Show the relation of the proposed development to:
 - a. the street system
 - b. the surrounding use district
 - c. surrounding properties
 - vi. Bear a certificate by a licensed surveyor, architect, contractor or civil engineer certifying that the plan as shown is true and correct
 - vii. Bear a form for certificate of approval by
 - viii. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan
- B. The Planning Commission shall review the Site Plan within thirty (30) days. Where conditions have been required of the applicant such changes, as required by the Planning Commission, shall have been made.
 - C. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give approval to a Site Plan, subject to minor revisions being required of the applicant.
 - D. The certification required of the owner and trustee shall serve as the commitment by the owner that the site will 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 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.
 - E. The Building Inspector shall have the authority to authorize minor revisions to the approved Site Plan during the process of construction, if, in his opinion, the revisions do not substantially alter the nature of the approved Site Plan, with the written concurrence of the Chairman of the Planning Commission.
7. Other Requirements
- A. Enclosure Requirements
All uses shall be conducted within completely enclosed buildings except for parking and loading, exterior storage and other accessory uses which by nature must exist outside a buildings.
 - B. Exterior Storage
Exterior storage may be permitted in the side and rear yards of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further, provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge not exceeding fifteen

(15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.

C. Surfacing of Storage Areas

All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water in the area.

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14-704 LM LIMITED MANUFACTURING DISTRICT

1. Purpose and Intent

These districts are 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 area adjacent to them, causing increased crime and the downgrading of property values; or other similar characteristics require locations relatively well segregated from other uses. Residential uses are excluded from these districts.

2. Uses and Structures

A. Principal Permitted Uses and Structures

- i. Sexually Oriented Businesses as defined in Chapter 3, section 302
- ii. Transportation services
- iii. Communication service
- iv. Electric, gas and sanitary services, limited to electric and sanitary services and combination utility services.
- v. Construction, limited to:
 - a. Building construction, general contractors and operative builders;
 - b. Heavy construction other than building construction;
 - c. Special trade construction
- vi. Wholesale trade of durable and non-durable goods, limited to:
 - a. Furniture and home furnishings
 - b. Lumber and Construction Materials
 - c. Professional and Commercial Equipment
 - d. Metals and Minerals, except Petroleum
 - e. Electrical Goods
 - f. Hardware, Plumbing and Heating Equipment
 - g. Machinery, Equipment, and Supplies
 - h. Miscellaneous Durable Goods
 - i. Paper and Paper Products
 - j. Drugs, Proprietors, and Sundries
 - k. Apparel, Piece Goods, and Notions
 - l. Groceries and Related Products
 - m. Farm-Product Raw Materials
 - n. Petroleum and petroleum Products
 - o. Miscellaneous Nondurable Goods

- vii. Manufacturing, limited to;
 - a. Food and kindred products;
 - b. Textile mill products;
 - c. Apparel and other textile products;
 - d. Lumber and wood products;
 - e. Furniture and fixtures;
 - f. Paper and allied products
 - g. Printing and Publishing
 - h. Chemicals and Allied products, limited to soap, cleaners, and toilet goods,
 - i. Petroleum refining and related industries
 - j. Rubber and miscellaneous plastic products;
 - k. Stone, clay and glass products;
 - l. Primary metal industries;
 - m. Fabricated metal products; excluding Ordinance and Accessories
 - n. Industrial machinery and equipment;
 - o. Electronic and other electric equipment;
 - p. Transportation equipment;
 - q. Instruments and related products;
- viii. Accessory buildings customarily incidental to any aforementioned permitted use provided the accessory structure is not a mobile home, manufactured home or modular home as defined in these regulations,
- ix. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained

B. Uses Permissible on Appeal
 Laboratories and Research Facilities

C. Prohibited Uses
 Any use not allowed by right, by accessory use or by conditional use is prohibited in the LM District.

3. Bulk Regulations

A. Minimum Required Lot Area

Within the LM District, the minimum lot size shall be two (2) acres.

B. Maximum Lot Coverage

Within the LM Districts, the maximum lot coverage for all structures, including accessory structures, shall not exceed fifty (50) percent of the total lot area.

C. Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade. Exceptions may be made by the Planning Commission during the Site Plan Review process, so long as no fire hazard is created.

4. Yard Requirements

A. General Provisions

General provisions applicable to all Manufacturing districts concerning visibility at intersections, permitted obstruction in required yards, obstructions prohibited at street intersections, exceptions to these provisions and other regulations are contained in Section 14-310 of this ordinance.

B. Basic Provisions

The basic yard regulations appearing below apply to all zone lots within the LM Districts.

i. Front Yards

In all LM Districts, front yards shall be a minimum of forty (40) feet. On double frontage and corner lots, there shall be a front yard on each street.

ii. Side Yards

In all LM Districts, side yards shall be a minimum of fifty (50) feet when the lot adjoins a residential district. For all other lots within the LM Districts, the minimum side yard shall be twenty-five (25) feet.

iii. Rear Yards

In all LM Districts, rear yards shall be a minimum of fifty (50) feet when the lot adjoins a residential district. For all other lots within the LM Districts, the minimum rear yard shall be twenty-five (25) feet.

5. Use of Required Area

The following uses may be made of yard areas in the LM Districts.

A. Landscaping

All yards not occupied by driveways and sidewalks shall be devoted to landscaping as defined in Section 14-316.

B. Driveways and Accessory Off-street Parking

No driveway or parking area shall occupy more than one-half of any required yard.

6. Site Plan Review

A. Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted to the Planning Commission. The Site Plan shall conform to the following requirements:

i. Be drawn on a scale of 1" = 100';

ii. Include the following:

a. all existing and proposed roads and drainage ways;

b. curb cuts, drives and parking areas;

c. landscaping and planting screens;

d. building lines enclosing the portion of the tract within which the buildings are to be erected;

- e. the proposed use of the land and buildings;
 - f. the existing zoning
 - iii. Show the building elevations for the front, rear and sides of all buildings and any proposed signs.
 - iv. Include a vicinity map showing the relationship of the proposed development to Somerville
 - v. Show the relation of the proposed development to:
 - a. the street system
 - b. the surrounding use district, and
 - c. surrounding properties
 - vi. Bear a certificate by a licensed surveyor, architect, contractor or civil engineer certifying that the plan as shown is true and correct;
 - vii. Bear a form of certificate of approval by the Secretary of the Planning Commission.
 - viii. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan and agree to make any required improvements of adjacent streets as shown on the plan.
- B. The Planning Commission shall review the Site Plan within thirty (30) days. Where conditions have been required of the applicant, such changes, as required by the Planning Commission, shall have been made.
- C. The Planning Commission shall approve the Site Plan as submitted or reject the Site Plan as submitted. The reasons for rejection of the Site Plan shall be certified to the applicant in writing. The Planning Commission shall have the authority to give conditional approval to a Site Plan, subject to minor revisions being required of the applicant.
- D. The certification required of the owner and trustee shall serve as the commitment by the owner that the site will 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 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.
- E. 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
7. Other Requirement
- A. Enclosure Requirements
 All uses shall be conducted within completely enclosed buildings except for parking and loading, exterior storage and other accessory uses which by nature must exist outside a building.

B. Exterior Storage

Exterior storage may be permitted in the side and rear yards of the principal building only, provided the location, extent, and screening of storage approved as a part of the site plan by the Planning Commission and further provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.

C. Surfacing of Storage Areas

All storage areas shall be surfaced to provide a durable and dust-free surfaced. All areas shall be graded and drained so as to dispose of all surface water in the area.

8. Special Provisions for Adult Oriented Business

Location of Sexually Oriented Businesses

A. A person commits a violation of this ordinance and any other applicable laws of the State of Tennessee offense if the person operates or causes to be operated a sexually oriented business within 500 feet of:

- i. A church, synagogue, mosque, temple or building which is used primarily for religious worship, and related religious activities:
- ii. A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- iii. A boundary of any residential district as designated on the official zoning map of the Town of Somerville, Tennessee.
- iv. An occupied residential “dwelling” as defined in this ordinance.
- v. A public park or recreational area which has been designed for park or recreational activities, including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation or management of the city park and recreation authorities;
- vi. The property line of a lot devoted to use as a “residence” as defined in this ordinance.
- vii. An entertainment business which is oriented primarily towards children or family entertainment.

B. A person commits a violation of this ordinance and any other applicable laws of the State of Tennessee if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business.

C. A person commits a violation of this ordinance and any applicable laws of the State of Tennessee if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion

thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

- D. For the purpose of subsection (b) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (b). Presence of a city, Town of Somerville or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
- E. For purposes of subsection (c) of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures of objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- F. Any sexually oriented business lawfully operating on [REDACTED], 2002, that is in violation of subsection (a) through (f) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established businesses are nonconforming.
- G. A sexually oriented business lawfully in operation as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of a sexually oriented business license, of a use listed in subsection (b) of this Section within 500 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

CHAPTER 8

PROVISIONS GOVERNING FLOOD HAZARD (FH) DISTRICTS ¹

14-801 FH FLOOD HAZARD DISTRICTS

1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Somerville, Tennessee Mayor and Board of Alderman, does ordain as follows:

B. Findings of Fact

- i. The Town of Somerville's Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
- ii. Areas of the Town of Somerville are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- iii. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

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

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

¹ Ordinance 08.002 Passed by Planning Commission on June 24, 2008, First Reading August 11, 2008, Public Hearing and Final Reading September 8, 2008.

D. Objectives

The objectives of this Ordinance are:

- i. To protect human life, health and property;
- ii. To minimize expenditure of public funds for costly flood control projects;
- iii. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- iv. To minimize prolonged business interruptions;
- v. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
- vi. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
- vii. To ensure that potential homebuyers are notified that property is in a floodable area; and
- viii. To maintain eligibility for participation in the National Flood Insurance Program.

2. DEFINITIONS

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

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

- A. Accessory structures shall not be used for human habitation.
- B. Accessory structures shall be designed to have low flood damage potential.
- C. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- D. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

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

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an

average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

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

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage (See "Structure")

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

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

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

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

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

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

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

"Existing Structures" see "Existing Construction".

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

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

- A. The overflow of inland or tidal waters;
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior, or
 - ii. Directly by the Secretary of the Interior.

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

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

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

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

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

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

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

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

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

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

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

"100-year Flood" see "Base Flood".

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

"Recreational Vehicle" means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms;

nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

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

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

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

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required

in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

3. GENERAL PROVISIONS

A. Application

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

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Town of Somerville, Tennessee (Community #470051), Federal Emergency Management Agency, Flood Insurance Study (FIS) 47047CV00A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47047C0190C, 47047C0195C, 47047C0215C, 47047C0305C, 47047C0310C and 47047C0330C, dated November 5, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be:

- i. Considered as minimum requirements;
- ii. Liberally construed in favor of the governing body; and,
- iii. Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability

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

result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation

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

4. ADMINISTRATION

A. Designation of Ordinance Administrator

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

B. Permit Procedures

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

i. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in 14-801.4.B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

ii. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the

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

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

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

C. Duties and Responsibilities of the Administrator

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

- i. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- ii. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- iii. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
- iv. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- v. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with 14-801.4.B.
- vi. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with 14-801.4.B.
- vii. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with 14-801.4.B.

- viii. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- ix. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 14-801.2 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 14-801.4.B.

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

5. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all flood prone areas the following provisions are required:

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

- vii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- viii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- ix. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
- x. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

B. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

- i. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of 14-801.5.B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 14-801.2 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 14-801.4.B.

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

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 14-801.2 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 14-801.4.B.

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance

with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in 14-801.4.B.

- iii. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all openings shall be no higher than one foot above the finish grade; and
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of 14-801.5.B of this Ordinance.
- iv. Standards for Manufactured Homes and Recreational Vehicles
 - a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - (1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - (2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
 - c. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of 14-801.5.B.iv of this Ordinance.

- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed on identified flood hazard sites must either:
 - (1) Be on the site for fewer than 180 consecutive days;
 - (2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - (3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.
- v. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

Located within the Areas of Special Flood Hazard established in 14-801.3.B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- i. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood

discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

- ii. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of 14-801.5.

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

Located within the Areas of Special Flood Hazard established in 14-801.3.B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

- i. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- ii. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with 14-801.5.B.

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

Located within the Areas of Special Flood Hazard established in 14-801.3, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

- i. When base flood elevation data or floodway data have not been provided in accordance with 14-801.3, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of 14-801.5. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
- ii. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- iii. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the

unimpeded movements of floodwaters shall be provided in accordance with the standards of 14-801.5.B and "Elevated Buildings".

F. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in 14-801.3.B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- i. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of 14-801.5.B and "Elevated Buildings".
- ii. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in 14-801.4.B.
- iii. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- iv. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in 14-801.3 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of 14-801.4 and 14-801.5.A shall apply.

H. Standards for Unmapped Streams

Located within Somerville, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

- i. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the

stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

- ii. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with 14-801.4.

6. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Somerville, Tennessee.

A. Board of Zoning Appeals

- i. The Town of Somerville's Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- ii. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- iii. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

- j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- iv. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
- v. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

- i. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- ii. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- iii. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- iv. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

7. LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of Somerville, Tennessee, the most restrictive shall in all cases apply.

B. Validity

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of Somerville, Tennessee, and the public welfare demanding it.

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CHAPTER 9

PROVISIONS GOVERNING REDEVELOPMENT DISTRICTS²

11-901 RD Redevelopment District

1. Purpose & Intent

The purpose of the Somerville 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 placed close to the street, so that streets are defined as “outdoor rooms”; and, enhance all the streetscapes and maximize on-street parking.

The regulations governing this district should be reviewed after one (1) year to determine if it is meeting the stated purpose and intent. This review should permanently establish the district, revise the regulations or eliminate the district and rezone the district accordingly. If the district is permanently established, the planning commission may wish to establish this type of district in another well defined area of town.

2. Boundary Description of this District

Beginning at a point, said point being the centerline of the intersection of East Street and Old Mill Road (Fayette County Tax Map 077N, Dated March, 2006), thence in an easterly direction following the centerline of Old Mill Road to a point, point being the intersection of the centerline of Old Mill Road and the Town of Somerville’s corporate limits, thence in a south-southeasterly direction following the corporate limits to the eastern boundary of Parcel 44.00 (Fayette County Tax Map 090C Group C, Dated March, 2006), thence in a southerly direction following said eastern boundary to a point, said point being the southeastern corner of Parcel 44.00 (Fayette County Tax Map 90C Group C, Dated March, 2006), thence in a southerly direction following a projected line based on the eastern boundary of Parcel 44.00 (Fayette County Tax Map 90C Group C, Dated March, 2006) to a point, said point being the centerline of US Route 64, also known as State Route 15 and Fayette Street, thence in a westerly direction following the centerline of US Route 64 to a point, said point being the centerline intersection of US Route 64 and East Street, thence in a northerly direction following the centerline of East Street to the point of the beginning.

3. Uses Permitted

All uses permitted in R-2, R-3, R-4, R5, B-1, B-2 and B-4 Districts.

4. Uses Permitted on Appeal – The following uses are permitted by approval of a Special Exception by the Board of Zoning Appeals upon review of the criteria established herein.

A. Public uses, including but not limited to Municipal, County, State, or Federal uses such as schools, museums, office buildings or utilities.

B. Churches.

C. Private or parochial schools.

² Ordinance 07.009 Passed on August 13, 2007.

- D. Home occupations as defined within this ordinance.
5. Review Criteria for Uses Permitted on Appeal (not applicable to home occupations)
- A. All area, yard, density and parking requirements shall be met.
 - B. A site plan drawn to scale shall be submitted which shall show all structures, parking, yard and lot dimensions, as well as fencing, landscaping or buffering. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit.
 - C. In addition, the Board of Zoning Appeals 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. This shall not include the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety and welfare. The Board of Zoning Appeals shall state in writing the reasons for denial of any properly submitted site plan.
6. Review Criteria for Incidental Home Occupation – Customary incidental home occupations may be allowed provided that no building permits or certificates of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals 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 proposed use shall be located and conducted in the principal building only;
 - B. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - C. not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to proposed use;
 - D. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - E. no activity, material, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - F. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - G. 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 character of the neighborhood in which the proposed use is located;
 - H. the following occupations, subject to the preceding requirements, shall be the only ones permitted as customary home occupations, provided a resident of the home is engaged in such occupations:
 - i. Artist, sculptor, author;
 - ii. Dressmaker, milliner, seamstress, tailor;
 - iii. Beauty and barber shops limited to two (2) operators, one of whom may be a non-resident of the home;

- iv. Day care, provided compliance with all State and Federal laws governing day cares;
 - v. Foster care, provided compliance with all State and Federal laws governing foster care;
 - vi. Teaching, including tutoring, musical instruction or dancing, but limited to two (2) pupils present for instruction at any one time;
 - vii. Rooming and boarding houses limited to three (3) non-family roomers or boarders; and,
 - viii. Other uses similar in nature, which will not be a detriment to the adjacent structures, as determined by the Board of Zoning Appeals.
- I. Nothing in this shall be interpreted to mean the discontinuance of an existing lawful home occupation, but hence forth, all new home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.
7. Uses Prohibited – Any use or structure not specifically permitted or permissible on appeal in this Chapter. Interpretation of use categories shall be determined by reference to the Standard Land Use Ordinance Manual.
8. Location of Accessory Buildings – No accessory building shall be erected in any required front or required side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
9. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage, Building Height, Sidewalks, Landscaping and Building Materials - The principal building shall be located so as to comply with the following requirements:
- A. Minimum required lot area - None
 - B. Minimum required lot width at the building line - None
 - C. Minimum required front yard - None
 - D. Minimum required rear yard - None
 - E. Minimum required side yard in each side of lot:
 - i. Residential adjoining Residential - Five (5) feet
 - ii. Residential adjoining Commercial – A minimum of ten (10) feet measuring from building to building.
 - iii. Commercial adjoining Commercial – None.
 - F. Maximum Lot Coverage by All Buildings - None
 - G. Maximum permitted height of structures:
 - i. No building shall exceed 3 stories, or 35 feet in height.
 - ii. No accessory building shall exceed 2 stories, or 25 feet in height.
 - iii. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance

provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

H. Sidewalks and Landscaping

- i. All new construction shall be required to install sidewalks. Existing structures are encouraged to install sidewalks if adjoining properties have sidewalks.
- ii. All new construction and renovations are required to landscape the property in accordance with the Section 11-316 of this ordinance.

9. Building Materials

High quality masonry building materials encouraged for this district are Stone, Brick, Cast Stone and Stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials should be on 50% of the sum total of all building façades, except single family houses, which should have 10% of the sum total of all facades. All accessory buildings should be constructed from the same materials as the main structure. Stucco shall mean traditional stucco or gypsum concrete/plaster materials with smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 75% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are discouraged. These provisions are intended to ensure a longer-lasting, sustainable appeal of this district.

CHAPTER 10

EXCEPTIONS AND MODIFICATIONS

SECTION

11-1001 Lot of Record

11-1002 Front Yards

11-1003 Group Housing Projects

14-901 **Lot of Record** - Where the owner of a lot of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Section 14-1204. Permission to use such lots may be granted, however, providing that the yards and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

14-902 **Front Yards** – The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within the one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lots, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

14-903 **Group Housing Project**- In the case of a group housing project of two or more buildings to be constructed on a plot of ground not subdivided into the customary street and lots, and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the proposed project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is to be located, or a smaller area per family than the requirements of this ordinance permit in such district.

The procedure for approval of group development plans shall consist of the submission of a design plan showing the proposed layout, including the location of buildings, driveways, off-street parking spaces and recreation areas, to the Somerville Planning Commission and the Somerville City Board for study and recommendation prior to final approval by the Board of Zoning Appeals.

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CHAPTER 11

ENFORCEMENT

SECTION

14-1101 Enforcing Officers

14-1102 Building Permits and Certificates of Occupancy

14-1101 **Enforcing Officer** - The provisions of this ordinance shall be administered and enforced by a building inspector, appointed by the chief legislative body, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

14-1102 **Building Permits and Certificates of Occupancy** - 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.

1. **Building Permit Required** - It shall be unlawful to commence the excavation for the construction of any building, 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 dimensioned sketch or scale plan indicating the shape, size and location of the lot to be built upon; the shape, size, height, and location of all buildings to be erected, altered, or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this 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 upon payment of the required fee. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.
 - A. The issuance of a permit shall in no case be construed as waiving any provisions of this ordinance.
 - B. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
3. **Certificate of Occupancy** No land or 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 ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, 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 ordinance, or, if such certificate is refused, to state such refusal in writing with the cause.

4. Records- A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector.
5. Permit Fee- A fee will be charged for issuance of a building permit as established by the Board of Mayor and Aldermen.

14-1003 **Penalties-** Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2) nor more than fifty dollars (\$50) for each offense. Each day such violation shall continue constitutes a separate offense.

CHAPTER 12

BOARD OF ZONING APPEALS

SECTION

- 14-1201 Creation and Appointment
- 14-1202 Procedure
- 14-1203 Appeals: How Taken
- 14-1204 Powers

14-1201 **Creation and Appointment** – A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members whom shall be members of the Somerville Municipal Planning Commission. They shall be appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Aldermen. Vacancies shall be filled for an unexpired term by appointment by the Mayor and confirmed by the Board of Mayor and Aldermen.

14-1202 **Procedures**- Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record.

14-1203 **Appeals: How Taken** – An appeal to the Board of Zoning Appeals may be taken by any persons, firm or corporation aggrieved, or by a governmental officer, department, board of bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board 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 which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or by attorney.

14-1204 **Power** – The Board of Zoning Appeals shall have the following powers:

1. **Administrative Review** – To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance, or for interpretation of the zoning map or ordinance.
2. **Special Exceptions** – To hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.
3. **Variances** – To hear and decide application for variance from the terms of this ordinance, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece

of property the strict application of the provisions of this 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 this ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

- A. In granting a variance the Board 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 furtherance of the purpose of this ordinance.
- B. Before any variance is granted it shall be shown that circumstances are attached to the property which does not generally apply to other property in the neighborhood.

CHAPTER 13 AMENDMENTS

SECTION

14-1301 Zoning Amendment Petition

14-1302 Planning Commission Review

14-1303 Public Hearings on Proposed Amendment

14-1304 Amendment disapproval

14-1301 **Zoning Amendment Petition** – The Somerville Board of Mayor and Aldermen may amend the number, shape, boundary, area, or any regulations of or within any district or any other provision of this Ordinance upon petition by any person or official board.

14-1302 **Planning Commission Review** – No amendment shall be adopted unless it is first submitted for approval disapproval or suggestions to the Somerville Municipal Planning Commission and the absence of formal action by the planning commission within thirty-five (35) days after it holds a public hearing on the proposed amendment shall be considered as approval by the Planning Commission.

14-1303 **Public Hearings on Proposed Amendment** – No amendment shall be adopted unless the Board of Mayor and Aldermen shall have held a public hearing thereon. The time and place of such public hearings and the amendment's content shall be advertised by at least one (1) publication in a newspaper of general circulation in the city at least fifteen (15) days in advance of the Board of Mayor and Aldermen's hearing.

14-1304 **Amendment Disapproval** – No amendment disapproved by the Board of Mayor and Aldermen shall be resubmitted for at least one (1) year.

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APPENDIX A FEE SCHEDULE

Section 1 Building Permits. For a building permit there shall be levied the following fees:

- a. For a government –owned building – No charge
- b. For the relocation of a building already on a lot to another site on the same lot or to an adjoining lot in the same ownership – No charge
- c. For the replacement of a building destroyed by fire, war, civil disturbance, or natural disaster – No charge
- d. For a freestanding sign - \$5.00 per \$1,000.00 of contract price, provided that the minimum fee for a sign shall be \$25.00, and further provided that there shall be no charge for a sign permitted by Special Exception or a sign attached against a building.
- e. For a single-wide manufactured home - \$50.00
- f. For a double-wide manufactured home - \$100.00
- g. For a triple-wide manufactured home - \$150.00
- h. For a manufactured home larger than a triple-wide or two or more stories high – Ten Cents per square foot for heated space and five cents per square foot for unheated space.
- i. For all other residential buildings – Ten cents per square foot for heated space and five cents per square foot for unheated space, provided that the minimum permit fee shall be \$25.00
- j. For Institutional, Commercial and Industrial buildings - \$3.00 per \$1,000.00 of the contract price, provided that the minimum permit fee shall be \$25.00
- k. If there is no contract price, the valuation of the building shall be used in lieu of the contract price, and the valuation shall be based on the building valuation data compiled by the Southern Building Code Congress International, Inc. and on record in the Fayette County Consolidated Planning & Development Office.
- l. For a building the start of construction or placement of which occurred prior to issuance of the permit – a surcharge equal to the cost of the permit shall be added to the building permit.

Section 2 Plumbing Permits. For a plumbing permit there shall be levied the following fees: For each building - \$5.00 per fixture, provided that the minimum permit fee shall be \$10.00

Section 3 Fee for Excess (or Nuisance) Building, Gas, Mechanical, Electrical, & Plumbing Inspection Calls.

- a. 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, an additional fee of \$25.00 shall be charged for the first re-inspection, and for each additional inspection necessary until the violation(s) is corrected, a fee of \$25.00 shall be charged. Any Person, Firm, or Corporation aggrieved by the assessment of any reinspection fee may appeal to the Construction Board of Adjustment and Appeals for a review of the facts involved and a reduction or dismissal of said fees.
- b. Due to the complexity of framing inspection, one (1) framing re-inspection shall be made at no charge for each Building Permit.

Section 4 Mobile Home Park License Fee – Every mobile home park shall pay an annual fee of \$50.00 for the first twenty (20) spaces plus \$5.00 for each additional space, which shall be due and payable on January 31.

Section 5 Rezoning Fees Schedule – For any rezoning application there shall be levied a nonrefundable publication fee equivalent to the cost of the required newspaper notice. Additionally, when the proposed rezoning is to an R-3, Business or Industrial classification, there shall be levied the following review fees, which shall not be refundable following final legislative action on the proposed reclassification. Provided, however, that no review fee shall be levied if the rezoning applicant is an agency of government or a public utility.

- (a) For any tract up to five (5) acres - \$50.00
- (b) For each additional acre or fraction of an acre - \$5.00
- (c) Maximum fee - \$125.00 (twenty 20 acres and over)

Section 6 Site Plan Review Fees Schedule:

- (a) For any multifamily or mobile home park site plan - \$10.00 per dwelling unit.
- (b) For any industrial site plan - \$100.00