

ROCKY TOP TENNESSEE

ZONING ORDINANCE

MARCH 2016

Proposed

ZONING ORDINANCE
OF
ROCKY TOP, TENNESSEE

MARCH 2016

ROCKY TOP PLANNING COMMISSION

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ZONING ORDINANCE
OF
CITY OF ROCKY TOP, TENNESSEE

AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and Section 13-7-401, *Tennessee Code Annotated*, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Council of the City of Rocky Top:

ARTICLE I. SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of the City of Rocky Top, Tennessee," the map herein referred to, and which is identified by the title "Zoning Map of the City of Rocky Top, Tennessee," and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

ARTICLE II. PURPOSE

These zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, 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 particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

ARTICLE III. 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. The words "used" or "occupied" as applied to any land or building shall be construed to include the word intended, arranged or designed to be used or occupied.

301. **Access.** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

302. **Advertising.** Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, or other natural structures or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure.

302(a). **Adult Oriented Businesses.** See Section 328(a) ~~%Sexually Oriented Business.+~~

303. **Amusement.** A commercial use offering recreational activities including but not limited to theaters, recreational activities, mechanical rides with defined parameters to which there is a separate admission charge. An amusement can be located on a single parcel, or on a common parcel, as in the case of a P.U.D., with other amusements, each charging an admission and each advertised by separate signage.

303.1. **Amusement Park.** A commercially operated park, contained within a clearly defined and enclosed parameter on at least three acres, offering for one admission price a variety of amusements including, but not limited to, mechanical rides, gifts, eateries, entertainment, and passive or active recreational activities with all events/amusements advertised by a common sign.

304. **Arcade.** A permanently enclosed building that is to be used for electronic game machines and other similar uses.

305. **Boarding or Rooming House.** A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.

306. **Buffer Strip.** A plant material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six (6) feet in height or alternative means subject to City approval.

307. **Building.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

- 307.1. **Principal Building.** A building in which is conducted the main or principal use of the lot on which said building is located.
- 307.2. **Accessory Building or Use.** A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
- 307.3. **Building, Modular.** A unit of construction which is totally or in part constructed off-site and transported for on-site erection, placement, assembly or similar terms.
- 307.4. **Building, Prefabricated.** A building constructed on-site from components which have been prefabricated , panelized or constructed in sections off-site.
308. **Camping Area.** A parcel of land used or intended to be used, left, or rented, for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.
309. **Carport.** A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air and view.
310. **Club.** Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for or to render a service which is customarily carried on as business.
311. **Condominium.** A multi-unit structure offering individual ownership of said units in an approved planned unit development project.
312. **Day Care Center.** A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before-and-after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations).
313. **Dormitory.** A building containing sleeping rooms for occupancy by seasonal workers.
314. **Dwelling Unit.** One or more rooms designed as a unit for occupancy as living quarters for sleeping, and cooking purposes.
- 314.1. **Single Family Dwelling.** A building designed, constructed and used for one dwelling unit.

314.2. **Two Family or Duplex Dwelling.** A building designed, constructed, or reconstructed and used for dwelling units that are connected by a common structural wall.

314.3. **Multi-Family Dwelling.** A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling on the same floor.

315. **Family.** One or more persons occupying a premise and living together as a single housekeeping unit.

316. **Flood.** Means a temporary condition of partial or complete inundation of dry land areas from the overflow of water from streams or rapid accumulation or runoff of surface water from any source.

316.1. **Floodway.** The channel of rivers and other watercourses and adjacent land areas (100-year flood) that must be reserved in order to provide passage of flood flows, which are shown on floodway maps that are made a part of this ordinance.

316.2. **Flood Fringe Area.** Land areas lying outside the floodway but within the 100-year floodplain - see Appendix for illustration.

316.3. **Flood Hazard Boundary Map (FHBM).** The official map issued by the Federal Emergency Management Agency which is made a part of this ordinance.

316.4. **Flood Insurance Rate Map (FIRM).** An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones for the city.

317. **Floor Area.** The total area of all floors of a building including finished attic, finished basement, and covered porches. The floor area excludes parking garages in floor area and floor area ratio calculations. (Adopted on 5/13/96 by Ord. 517)

317.1. **Floor Area Ratio.** A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located, $FA/LA = FAR$.

317(a). **Graphics:** Any art or pictures depicting logos, colors combined in a way that make shapes, abstract art, sculpture, the depiction of people, animals, or scenes, use of cars, mannequins or other props and the like shall be deemed graphics

317(a).1. **Theming:** The combination of graphics throughout a building's façade and/or grounds to give travelers a sense of what the property is about. It is a combination of smaller graphics that gives the building/grounds its theme. No

one large graphic will be considered theming. These external graphics must have some logical relationship to contents of the building to be considered theming and not to be counted as signage. Theming is not allowed in all zoning district.

318. **Home Occupation.** An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two persons not residents of the premises, and for which not more than thirty (30) percent of the total actual ground floor area is used for home occupation purposes.

319. **Junkyard.** A lot, land or structure, or part thereof, used primarily for collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded materials or for collecting, dismantling, storing, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

320. **Landscaping.** The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be considered as landscaping if integrally designed.

320(a). **Light Manufacturing:** The creation of items for sale. However, generally on a smaller scale and would not include any activity that could cause injurious or obnoxious noise, fire hazard or other objectionable condition. Examples of light manufacturing would be the production of local crafts, specialty food items, and similar products, excluding distilleries, wineries and breweries.

321. **Lot.** A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

321.1. **Lot line.** The boundary dividing a given lot from a street, alley, or adjacent lots.

321.2. **Lot line, front.** That property line running with the street right-of-way which gives access to the lot.

321.3. **Lot of record.** A lot existing prior to this ordinance, the boundaries of which are filed as legal record.

322. **Mobile Home.** A detached residential dwelling unit built on a chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent

foundations, connections to utilities, and the like, and it shall meet all standards of the Building Code in effect at that time.

323. **Mobile Home Park.** A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes under PUD regulations.

324. **Modular Building.** See Building, Modular.

325. **Nonconforming Use.** Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.

326. **Noxious Matter.** Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms or chemical/toxic reactions.

327. **Planned Unit Development.** An integrated design for development of residential, commercial, or industrial uses or combination of uses which is professionally designed to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the planning commission.

328. **Professional Office.** The office of a physician, dentist, attorney, architect, engineer, urban planner, accountant, or related professions.

328(a). **Sexually Oriented Business.** Sexually oriented business means an ~~%~~adult bookstore or adult video store,+ an ~~%~~adult cabaret,+ an ~~%~~adult motion picture theater,+ a ~~%~~semi-nude model studio,+ a ~~%~~sexual device shop,+ or a ~~%~~sexual encounter center.+

328(a).1. **%Adult Bookstore or Adult Video Store+** means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of ~~%~~specified sexual activities+or ~~%~~specified anatomical areas.+

A ~~%~~principal business activity+exists where the commercial establishment:

(a) has a substantial portion of its displayed merchandise which consists of said items, or

(b) has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or

(c) has a substantial portion of the retail value of its displayed merchandise which consists of said items, or

(d) derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items, or

(e) maintains a substantial portion of its interior business space or, if less than 30%, devotes at least three hundred fifty square feet (350 sq. ft.) of its interior business space, to the display, sale, and/or rental of the foregoing items (aisles and walkways used to access said items shall be included in ~~%interior business space+~~) *and* limits access to the premises or to the portion of the premises occupied by said items to adults only; or

(f) offers for sale or rental at least one thousand five hundred (1,500) of the foregoing items *and* limits access to the premises or to the portion of the premises occupied by said items to adults only; or

(g) maintains an ~~%adult arcade,~~ which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting ~~%specified sexual activities+~~ or specified ~~%anatomical areas.+~~

328(a).2. ~~%**Adult Cabaret**+~~ means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

328(a).3. ~~%**Adult Motion Picture Theater**+~~ means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of ~~%specified sexual activities+~~ or ~~%specified anatomical areas+~~ are regularly shown to more than five persons for any form of consideration.

328(a).4. ~~%**City**+~~ means the City of Rocky Top, Tennessee.

328(a).5. ~~%**Employ, Employee, and Employment**+~~ describe and pertain to any 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. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

328(a).6. ~~%**Establish or Establishment**+~~ shall mean and include 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; or
- (c) The addition of any sexually oriented business to any other existing sexually oriented business.

328(a).7. **%Influential Interest+** means any of the following: (1) the actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business, (2) ownership of a financial interest of fifty percent (50%) or more of a business or of any class of voting securities of a business, or (3) holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

328(a).8. **%Nudity or a State of Nudity+** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

328(a).9. **%Operate or Cause to Operate+** shall mean to cause to function or to put or keep in a state of doing business. **%Operator+** means any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

328(a).10. **%Person+** shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

328(a).11. **%Premises+** means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

328(a).12. **%Regularly+** means and refers to the consistent and repeated doing of the act so described.

328(a).13. **%Semi-Nude or State of Semi-Nudity+** means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

328(a).14. **%Semi-Nude Model Studio+** means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated:

- (a) By a college, junior college, or university supported entirely or partly by taxation;
- (b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;
or
- (c) In a structure:
 - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - (2) Where, in order to participate in a class a student must enroll at least three days in advance of the class.

328(a).15. **%Sexual Device+** means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

328(a).16. **%Sexual Device Shop+** means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this

definition be construed to include commercial establishments which do not restrict access to their premises by reason of age.

328(a).17. **%Sexual Encounter Center+**shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude.

328(a).18. **%Specified Anatomical Areas+**means and includes:

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

328(a).19. **%Specified Criminal Activity+**means:

- (a) any of the following specified crimes for which less than five years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
 - (1) rape, aggravated rape, aggravated sexual assault, public indecency, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure;
 - (2) prostitution, patronizing prostitution, promoting prostitution;
 - (3) obscenity;
 - (4) dealing in controlled substances;
 - (5) racketeering;
- (b) any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- (c) any crime committed in a jurisdiction other than Tennessee which, if committed in this state, would have constituted one of the crimes listed above.

Notwithstanding anything in this definition of **%specified criminal activity,**+ a conviction that is later reversed, vacated, overturned or expunged by a court

of law shall not be considered a ~~specified criminal activity~~ under this section.

328(a).20. ~~%~~**Specified Sexual Activity**+means any of the following:

- (a) intercourse, oral copulation, masturbation or sodomy; or
- (b) excretory functions as a part of or in connection with any of the activities described in (a) above.

328(a).21. ~~%~~**Substantial**+means at least thirty percent (30%) of the item(s) so modified.

328(a).22. ~~%~~**Viewing Room**+shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.

329. **Shopping Center.** For the purpose of this ordinance, a shopping center shall be considered as an enterprise located on a single parcel of property which is internally separated or segregated into individual shops or separate, distinct businesses or functions. Individual ownership is not a factor. These centers shall be considered as planned unit developments.

330. **Sign.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- Flags and insignia of any government, except when displayed in connection with commercial promotion.
- Legal notices, identification information, or directional signs erected by governmental bodies.
- Integral decorative or architectural features of buildings, except letters, trademarks, logos, moving parts, or moving lights.
- Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Included within the definition of sign are the following types of signs:

330.1. **Banner Sign.** Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper,

plastic, or fabric of any kind. National flags and flags of political subdivisions shall not be considered banners for the purpose of this ordinance. Banners shall not be considered portable and may only be used temporarily with city-wide sanctioned events.

330.2. **Bench Sign.** A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

330.3. **Billboard Sign.** A non-point-of-sale sign which advertises a business, organization, event, person, place, or thing, unless such sign is more specifically defined herein.

330.4. **Changeable Copy Sign.** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face of the surface of the sign. This shall also include the changing of copy on billboards.

330.5. **Construction Sign.** Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

330.6. **Directory Sign.** A sign on which the names and locations of occupants or the use of a building is given.

330.7. **Freestanding Sign.** Any mobile or portable sign or sign structure, not securely attached to the ground or to any other structure.

330.8. **Ground Sign.** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

330.8.1 Monument (as related to ground signage): A solid architectural feature/base that a ground sign may be set upon. Cannot be higher than 10 feet and the whole structure cannot be greater than 10qx 10qx 25q This feature must be made of natural materials and must not contain any graphics as defined in Section 317(a). This only applies in a C-5 and C-7 district where ~~%monument+~~(not monument signage) is referenced

330.9. **Illuminated Sign.** Any sign illuminated in any manner by an artificial light source.

330.10. **Integral Sign.** Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building.

330.11. **Logo Sign.** A symbolic design unique to a specific business or organization, being widely recognized and/or trademarked, and used as a pictorial means of identification of said entity. A logo sign is primarily graphic in nature, but may also include the written name of the entity as long as the text area does not exceed thirty percent (30%) of the total area of the sign

330.12. **Marquee Sign.** Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall.

330.12(a). **Monument Sign:** A sign which is supported by and integrated with a solid base. As opposed to poles, posts and other such supports

330.13. **Nonconforming Sign.** Any sign which does not conform to this ordinance.

330.13.1 **Political Sign.** Any sign which advertises local, state or national candidate. Political signs are limited to one per candidate per election and must be removed within 48 hours after the election is over.

330.14. **Projecting Sign.** Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

330.15. **Real Estate Sign.** Any sign which are used to offer for sale, lease, or rent the property upon which the sign is placed.

330.16. **Roof Sign.** Any sign erected or constructed wholly upon and over the roof of any building and supported entirely on the roof structure.

330.17. **Wall Sign.** Any sign erected parallel to the face or on the outside wall of any building and supported throughout its entire length by such wall where the edges of the sign do not project more than twelve (12) inches therefrom. The area of a wall sign shall be calculated by tightly boxing, in a rectilinear manner, the outer dimensions of the text and/or logo of all signage on a wall face. The main signage area may be augmented by no more than two (2) secondary signage areas that comprise no more than one-third of the total area of the wall sign (see diagram in the Appendix). (Added to by Ord. 860, Adopted 4/28/08)

331. **Sign Face:** The major feature/purpose for the sign that contains the information (words and graphics) for one side of a sign. This area is generally removable (but does not have to be) from the sign structure.

337. **Tent - Tent-type Structure.** A shelter of canvas or other fabric-like material stretched and sustained by a pole or poles and/or other supports, and includes umbrellas of more than eight (8) feet in diameter, however;

337.1. Not to include tent-type structures or awnings attached to a permanent structure which are used to cover walkways,

337.2. Not to include awnings used to cover windows provided they do not extend more than six (6) feet from the permanent building,

337.3. No tent, tent-type structure or awning shall be used for any type business activity.

338. **Tourist Residence.** Any dwelling unit used for the overnight and/or weekly rental to tourists.

339. **Townhouse.** A townhouse is a single family dwelling unit attached by fire resistant common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear, as in an approved planned unit development.

340. **Travel Trailer.** Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed, for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.

340.1. **Travel Trailer Parks.** Any plot of land approved as a planned unit development upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than thirty (30) days.

341. **Yard.** An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

341.1. **Front yard.** The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building including covered porches.

341.2. **Rear yard.** The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.

341.3. **Side yard.** A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

ARTICLE IV. GENERAL PROVISIONS

401. **Continuance of Nonconforming Uses.** Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations:

401.1. No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance;

401.2. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the Building Inspector determines that the building is damaged to the extent of more than fifty (50) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance;

401.3. When a nonconforming use of any building or land has ceased for a period of ninety (90) days, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance unless that use is commercial or industrial. If it is commercial or industrial, the use has had to cease for over 36 months. The proof is on the owner or applicant that the use has not ceased for more than 36 months..

401.4. Nonconforming mobile homes located on single lots may be replaced with newer and/or more structurally sound mobile homes for protection of the health, welfare, and safety of the mobile home resident and surrounding property owners.

402. **Off-Street Automobile Parking.** Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall conform to off-street parking lot design requirements as established in Section 410. Turning space shall be provided so that no vehicle will be required to back into the street.

402.1. **Automobile repair garages:** one space for each regular employee plus one space for each two hundred fifty (250) square feet of floor space used for repair work.

402.2. **Churches:** one space for each four (4) seats.

402.3. **Clubs and lodges:** one space for each three hundred (300) square feet of floor space.

402.4. **Dwellings:**

402.4.1. Single and duplex - one space for each unit.

402.4.2. Multi-family - one and one-half spaces for each unit.

402.4.3 Tourist Accommodations: One (1) space per bedroom.

402.5. **Funeral parlors:** one space for each four (4) seats in the chapel.

402.6. **Gasoline service stations and similar establishments;** **two (2)** spaces for each bay or similar facility plus one space for each employee **per shift**.

402.7. **Hospitals and nursing homes:** one space for each two (2) staff or visiting doctors plus one space for each two (2) employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.

402.8. **Hotel:** one space for each four (4) employees plus one (1) space for each guest room.

402.9. **Industry:** one space for each three (3) employees, computed on the largest number of persons employed at any period during day or night.

402.10. **Motels:** one space for each four (4) employees plus one space for each accommodation.

402.11. **Offices**

402.11.1. Medical - one space for each **two hundred and fifty (250)** square feet of floor space.

402.11.2. Other professional - one space for each four hundred (400) square feet of floor space.

402.11.3. General - one space for each four hundred (400) square feet of floor space.

402.12. **Places of public assembly:** one space for each five (5) seats in the principal assembly room of area.

402.14. **Recreation and amusement areas without seating capacity:** one (1) space for each 7,500 square feet of lot area plus one (1) space for each four (4) customers, computed on a maximum service capacity **of the building**.

402.15. **Restaurants:** one space for each four (4) employees, plus one space for each four (4) customers, computed on a maximum service capacity.

402.16. **Retail business and similar uses:** one space for each two hundred (200) square feet of **gross** floor space.

402.17. **Schools:** one space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.

402.18. **Wholesale business:** one space for each three (3) employees based on maximum seasonal employment

402.19. 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, and not on the opposite side of a major street or stream. 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.

402.20. **Extension of parking space into a residential district:** required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the planning commission.

403. **Off-Street Loading and Unloading Space.** On every lot on which a business, trade or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

403.1. **Retail business:** one space of at least 12 x 25 feet for each 3,000 square feet of floor area or part thereof. **At least one space is required.**

403.2. **Wholesale and industrial:** one space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.

403.3. **Terminals:** sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

404. **Vision Clearance.** In all districts there shall be no plants or structures placed in or on any yard partition of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

405. **Ingress and Egress.** A plan for adequate and safe ingress and egress for all land uses shall be required.

406. **Flood Protection.** Any structure proposed to be located within fifty (50) feet of any main drainage channel or stream (hereafter referred to as a stream) within the City of Rocky Top, Tennessee, must be approved by the Rocky Top Planning Commission and be in conformity with the Flood Disaster Protection Act as amended a copy of which is on file in the building inspector's office. The planning commission shall determine, on the basis of the watershed and the probable runoff, the openings needed for the stream and how close a structure may be built to the stream in order to assure adequate space for flow of flood water. However, in no case shall a building or structure be permitted within fifteen (15) feet of the top of the bank of any stream.

406A. Rocky Top Downtown Area. Businesses located in the downtown area shall not have any parking requirements. However, no cars or trucks shall park on any sidewalks or block any streets or driveway accesses.

407. **Planned Unit Development.** The following regulations for planned unit developments shall be submitted to the planning commission for approval and shall comply with the regulations established in this section.

407.1. **Purpose.** The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide diversification in the relationship of uses and structures to their sites and also provide flexibility which will create a more desirable living environment. A PUD shall mean an integrated, professionally prepared design for development of residential, commercial, or industrial uses or as permitted combinations of such uses to allow application of new techniques and technology of site and building design and location, thus achieving economies in land usage, maintenance, and street and utility systems while providing for attractive open areas, safe circulations and general well-being of the inhabitants.

407.3. **General Requirements.** All PUD developments shall comply with the following requirements:

407.3.1. **Minimum site:** No PUD shall have an area less than that required by the planning commission as adequate for the proposed project; however, the minimum site shall not be less than the minimum lot size

required in the district in which the proposed project is to be located. A minimum lot size PUD may be allowed to vary setback requirements as established in 407.3.2.2. upon approval of the planning commission. However, in no case shall the minimum setbacks be less than those required in the zoning district, and in no case shall the setback be less than twenty-five (25) feet in areas that adjoin a residential district.

407.3.2. Structures and spaces: The planning commission shall require arrangement of structures and open spaces within each site as necessary to assure that adjacent uses will not be adversely affected.

407.3.2.1. Where feasible the highest height and intensity of uses shall be toward the interior of the project.

407.3.2.2. Except as provided in 407.3.1. a freestanding building shall be no closer than twenty (20) feet to any other freestanding building and no closer than twenty-five (25) feet to exterior boundary property lines.

407.3.3. Open Space Requirements. Preservation, maintenance, and ownership of open space areas and facilities shall be established in the appropriate legal manner.

407.3.1.1. Dedication to the public as part of parks and open space system;

407.3.3.2. By the homeowners association;

407.3.3.3. By the developer or management authority of the PUD.

407.3.4. Off-street Parking Requirements:

Single-family (including cabins, chalets, etc.), townhouse and duplex . Two (2) spaces per dwelling unit, up to three (3) bedrooms per unit, with an additional one-half (½) space for each additional bedroom beyond three (3).

Multi-family units (including apartments, “condominiums,” time-share units, etc.)		
# of Bedrooms	# of Required Parking Spaces	Maximum Size of Units*
1	1	1,000 sq. ft.
2	1.5	1,300 sq. ft
3	2.0	1,600 sq. ft

4+	An additional one half space for each bedroom over three	An additional 300 sq. ft. for each bed room over three
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*The Planning Commission will review whether the number of parking spaces is adequate for units that exceed the maximum size for the number of bedrooms provided. Additional spaces may be required if the Planning Commission determines that the larger units may house more guests than would be normal for a unit with a certain number of bedrooms. **The planning commission may increase the number of parking spaces based on the maximum occupancy of the unit to two parking spaces per bedroom or sleeper sofa/couch.**

407.3.5. Height and Density. No PUD shall exceed general regulations for the district in which it is to be located, except that residential PUDs in R-2 Residential Districts may be allowed to exceed height limits but not to exceed **two story of human occupancy** when the following conditions are met and all conditions approved by the planning commission in the approval process.

407.3.5.1. Fire hydrants are installed so that any part of all buildings can be reached with a hose length of five hundred feet for commercial uses or eight hundred feet for residential uses or current building or fire codes if more stringent.

407.3.5.2. The project includes tennis courts, swimming pool, equipped play area, clubhouse, or other similar recreation facilities.

407.3.6. Signage. Each residential PUD shall be limited to one (1) major sign and any number of small accessory signs for information purposes. These signs shall be traffic directional signs or face signs attached to the wall of a building or located within the yard area. Commercial and industrial PUDs shall meet general signage requirements established in Section 408.

407.3.7. Subdivision Regulations. A PUD plan has a direct relationship with subdivision regulations. Therefore, arrangement of public and common ways for pedestrian and vehicular circulation shall be in relationship with other existing or planned streets and ways and with the *Rocky Top Major Road Plan*. Project street and way improvements shall comply with the standards set forth in the subdivision regulations. However, the uniqueness of each proposed PUD may require slight variances from widths of streets, ways, utility easements, curbing, and similar standards on the subdivision regulations. Upon application by the owner/developer and good cause shown, the planning commission may permit changes or alterations of these standards, provided they are consistent with the spirit and intent of this section. These modifications

may only be approved as a variance on the approval of the preliminary subdivision plat which is concurrent with final approval of the PUD plan.

407.3.8. Density. Structures designated for schools, churches, and other similar public uses shall not be used in any density requirements. However, the open space around these structures may be so computed.

407.4. **Plan Requirements.**

407.4.1. The plan shall show the general location of buildings and uses, general circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, **an engineer's calculations and certification that the plan meets a two, five and ten year storm event**, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission.

407.4.2. The final PUD plan shall **also** include detailed architectural/engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscape areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, and other information deemed pertinent by the planning commission.

407.4.3. The subdivision plat shall meet all requirements for approval as noted in the *Rocky Top Subdivision Regulations*.

407.5. **Staging of Development.** The PUD applicant may elect to develop the site in successive stages. The stages and expected development periods shall be shown on the PUD development plans. However, each stage approved must be substantially complete within its segment. The planning commission may also require the development of a PUD project in stages if public facilities are not adequate to handle the entire development initially. No subsequent stages or phases shall be approved if the preceding phase or stage is not over seventy-five (75) percent completed in terms of installation of all infrastructure . water, sewer, roads, electrical, etc.

407.6. **Changes and Modifications.** A PUD project may be changed or modified under conditions established for minor changes and major changes.

407.6.1. Minor changes: The planning commission may approve changes in minor shifts of building locations proposed streets and ways, utilities and easements, recreation and open space areas or other features on the approved plan. However, these changes shall not increase densities,

change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.

407.6.2. Major changes: All changes other than those established as minor shall be considered as major changes to the PUD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a PUD plan.

408. **Signs.**

408.1. **Purpose.** The purpose of this section is to establish reasonable and impartial regulations for location of signs within the zoning districts of Rocky Top so as to alleviate a growth of sign usage that is detrimental to the city. To achieve and maintain an attractive appearance and bring about adequate light, air, and open space and reduce congestion and hazardous conditions in the city, flexible and diversified standards have been established. Therefore, all signs erected, replaced, constructed, expanded, or relocated on any property within the city shall conform to the regulations established in this section.

408.2. **General Requirements.**

408.2.1. No part of any sign, except for entrance and exit signs of no more than three (3) square feet shall be placed within five (5) feet of any right-of-way or ingress/egress way.

408.2.2. No sign, except as noted in 408.2.1., shall be erected where the distance from ground level to the announcement section is less than nine (9) feet, unless one of the following conditions applies:

- Monument signs are allowed if they are located at least fifteen (15) feet from any public road right-of-way and/or do not block sight distance of two hundred (200) feet in either direction, as measured from the driver's side at the 15 foot setback.
- The planning commission may, as a part of the site plan review, approve a ground sign with less than nine (9) feet of clearance if it does not impede pedestrian movement and it does not block sight distance of 200 feet, as noted above.

The planning commission retains the right to deny approval for safety reasons.

Monument signs shall be included in all signage allowances and the square foot calculations shall include the sign face measured from the height times the width. Planter boxes and landscaping areas around the

monument sign shall not be counted in the signage allotments unless there is a business name, advertisement, or logo on the planter boxes or enclosed planting areas.

408.2.3. The building official shall be provided with plans and specifications identifying the location, type, and design of sign to be erected, constructed, replaced, altered, or relocated. The official shall inspect, at any time deemed necessary, each sign requested by this section to ensure that such sign conforms to this section and all other ordinances of the city.

408.2.4. Signs per business shall be limited to a maximum of two (2), but not two (2) signs of the same type; except that on lots which extend between parallel or perpendicular streets, businesses may have three (3) signs and two (2) of these signs may be of the same type, provided they do not front on the same parallel or perpendicular street

Logo sign(s) may be displayed on up to two (2) finished sides of a building. Said logo sign(s) will not count toward the maximum number of signs allowed for a business or organization as long as each logo sign does not exceed thirty-two (32) square feet in area. The square footage of such logo signage, however, will count toward the total maximum sign area allowed in the district where the business or organization is located.

408.2.5. No sign which includes action, motion, moving or revolving materials, or parts, or contains flashing or blinking lights or bulbs; or it intermittently lighted shall be allowed **if it has a ten second time sequence between messages.**

408.2.5.1 Searchlights and Similar Types of Lighting. Searchlights and other similar types of lighting, defined as single or multiple beams of light positioned upward, in motion or in a fixed position, are deemed to be a form of signage and are not allowed under this ordinance

408.2.6. Political signs are not permitted on streets or highway rights-of-way, nor on public property. Such political signs shall not be posted prior to thirty (30) days before an election and shall be removed by the owner of the property on which the sign is located within 48 hours after the election to which it refers. Except in the case of permanent sign structures under permit, political signs are limited to one (1) sign per candidate per premise, not to exceed **sixteen (16)** square feet.

408.2.7. No signs shall be permitted which are attached to, suspended from or painted on any vehicle which is regularly parked on any street or

private property to display, demonstrate, and advertise, with the intent to attract the attention of the public.

408.2.8.1. *Portable and/or Movable Signs.* **These are not permitted.**

408.2.8.2. *Maximum sign height:* All signs shall have a maximum height of twenty-five (25) feet.

408.4. **General Requirements - Signs Permitted in All Districts.** The following signs shall be permitted in any zoning district and shall not be included in determination of maximum allowable signage.

408.4.1. Parking areas: Signs for parking areas and ingress/egress signs as established in 408.2.1. and one (1) sign of not more than nine (9) square feet noting conditions and stipulations of the parking area.

408.4.2. Real estate signs: Signage noting "for sale," "for lease," "for rent," shall be permitted provided it is non-illuminated. Only one (1) sign of not more than thirty-two (32) square feet shall be permitted on each land parcel.

408.4.3. Construction sites: one sign noting construction information and trades shall be permitted for each site. The maximum size shall be thirty-two (32) square feet. The sign shall be allowed only until the project is complete and shall be removed prior to issuance of a certificate of occupancy.

408.4.4. Subdivision, PUD, and similar signs: A sign noting information about the development shall be permitted. the maximum size shall be thirty-two (32) square feet. The sign shall be located on the property being developed and shall be removed after two (2) years or when ninety (90) percent of the project is sold whichever occurs first.

408.4.5. Lease signs: A lease sign for a single site, multi-use development shall be permitted. The maximum size shall be thirty-two (32) square feet. The sign shall be removed after the project is complete and prior to issuance of a certificate of occupancy.

408.5. **Signs Permitted in Residential Districts.** Signs permitted shall be limited to the following:

408.5.1. General: Residential subdivision and planned unit developments of two (2) acres or less, approved by the planning commission, may have signage not to exceed thirty-five (35) square feet. For residential

subdivisions or planned unit developments over two (2) acres, an additional ten (10) square feet in signage shall be permitted per acre above two acres, with a maximum not to exceed one hundred and fifty (150) square feet in area. Calculation of square footage shall include the entire area of signage, including any structure, attachment, or support and including the area in which the subdivision or PUD name is placed. Signage may include no more than two signs at the entry; however, each sign may not exceed one-half (1/2) of the square footage allowed for the development.

If a residential subdivision or PUD has multiple public road entry points, it may have no more than one sign at each entry, provided that the total square footage of all signs does not exceed the square footage allowed for the development.

408.5.2. Announcement signs: One sign of not more than three (3) square feet shall be permitted for home occupations, tourist residences, and professions. Signs shall not be illuminated.

408.5.3. Multi-family and non-residential use signs: One (1) sign for each use shall be permitted. The maximum size shall not be more than thirty-five (35) square feet and shall be lighted indirectly, provided lighting is desired.

408.6. ***Signs Permitted in Commercial and Industrial Districts C-1, C-2, M-1.*** Signs permitted shall be limited to the following:

408.6.1. General: Signs permitted in Section 408.4. and 408.5.

408.6.2. Maximum signage permitted: The maximum signage shall not exceed three hundred fifty (350) square feet. The total may be utilized in one sign or for two different sign types. Roof signs shall not exceed one hundred fifty (150) square feet. Wall signs shall not exceed forty (40) percent of the wall face on which it is attached.

408.6.3. Shopping centers, multi-use commercial developments, and industrial uses: A major sign designating the name and nature of the development or activity shall be permitted. The maximum size of the sign shall be three hundred fifty (350) square feet, and shall be a ground sign.

408.6.3.1. Each activity within the development may display its name and/or logo on the major sign within the total space permitted.

408.6.3.2. Each activity may utilize one additional sign at the activity's location. The signage shall not exceed one hundred fifty

(150) square feet or if a wall sign is desired, forty (40) percent of the face area on which it is attached, not to exceed seventy five (75) square feet.

408.6.3. Graphics shall be counted as part of the maximum signage.

408.7. ***Signs Permitted in Commercial District C-3.*** Signs permitted shall be limited to the following:

408.7.1. General: Signs permitted in Sections 408.4 and 408.5.

408.7.2. Maximum signage permitted: The maximum signage shall not exceed one hundred fifty (150) square feet. The total may be utilized in one sign or for two different sign types. Roof signs shall not exceed one hundred (100) square feet. Wall signs shall not exceed forty (40) percent of the wall face area on which it is attached or seventy five (75) square feet.

408.7.3. Multi-use commercial centers: The maximum signage shall not exceed two hundred (200) square feet for the total sizes, and shall be subject to the provisions in 408.7.2.

408.7.4. Graphics shall be counted as a part of the maximum signage.

409. **Site Plan Regulations for Commercial, Industrial, and Multi-family Residential Uses.** It is the general purpose and intent of this section to require site plans for all new developments or redevelopments of commercial, industrial, public and semi-public, and multi-family residential uses to provide for a lessening of traffic congestion and for securing adequate light, air, and aesthetic conditions for residents of the city. These plans shall be approved by the Rocky Top Planning Commission as consistent with this ordinance and with the comprehensive planning program of the city prior to the issuance of grading or building permits. Site plans for small additions (less than 500 square feet) to existing buildings shall be exempt from review when, in the opinion of the building official and planning staff, the addition will not adversely affect the general purpose and intent of these regulations. The site plan shall set forth the proposal for development of the total land tract and shall meet the following requirements:

409.1. Site plans shall be prepared by either an engineer, surveyor, or architect.

409.2. Topography of existing and finished grades and the location of areas subject to flooding.

409.2.1 Drainage plans are required on all site plans. Drainage plans shall be done by a license engineer and shall be designed to handle a **2, 10 and 25 year storm event. The engineer shall certify that the plan meets the storm event requirements..** Each site plan shall include an on-site retention facility for all drainage. However, the planning commission may allow a detention facility or other means of drainage removal unless a certification is made that the increase in storm water at the property line has no increase in post-development storm water drainage versus pre-development.

409.3. Location of existing buildings, streets, sidewalks, easements, rights-of-way, and covenants.

409.4. A plan for vehicular and pedestrian circulation.

409.5. Location of all structures, including signs.

409.6. **Utility plans for water, sewer, and power:** the power plan shall utilize an underground system, where feasible. Where an underground system is not possible, as determined by the planning commission, power service connections shall be located at the rear of the structure or structures.

409.7. A plan for storm water drainage.

409.8. **Plans for landscaping, screening, open space and ingress/egress points. Except in the downtown business district where there are no landscaping requirements,** the landscaping plan for other zoning districts shall include landscaping of off-street parking areas containing the following minimum standards:

409.8.1. Street frontage: a landscaped strip of seven (7) feet in width and a minimum of one tree for every twenty-five (25) feet.

409.8.2. Interior landscaping: five (5) percent of the interior of the parking area shall be landscaped and one (1) tree for each three hundred (300) square feet of landscaped area shall be required along with other appropriate plant materials.

409.8.3. Perimeter landscaping: a landscaped strip of five (5) feet.

409.8.4. The parking spaces shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicles or pedestrian traffic.

409.8.5. The plan shall contain a description of plants and material and methods for care and maintenance.

409.8.6. The landscaping shall be permanently maintained. (See Section 410).

409.9. A plan for a frontage or parallel access street, if applicable.

409.10. General requirements of a north point, a scale of not less than 1"=20' or a scale approved by the building official, a location map, acreage of site, location of solid waste collection points, and any other information deemed pertinent by the planning commission.

410. Off-Street Parking Lot Design Requirements. To foster community appearance, provide orderly, safe, and systematic circulation within parking areas, the following regulations are established.

410.1. All parking lots shall be paved with asphalt or concrete and the aisles shall be arranged so as to channel traffic and minimize vehicular/pedestrian conflicts.

410.2. All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands to which access by vehicles is physically limited. These islands shall be appropriately landscaped with grass, shrubs, or other appropriate plant material which shall not exceed thirty (30) inches in height above the adjacent paved surface.

410.3. Signs, signals, markings shall be in conformance with the *Tennessee Manual on Uniform Traffic Control Devices*. Where needed size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.

410.4. Parking aisles and interior dividers shall be terminated with terminal islands not less than five (5) feet in width constructed with raised curbs and they shall be landscaped with appropriate cover.

410.5. Landscaping shall be required as established in Section 409.

411. Driveway Regulations. It is the purpose of this section to establish reasonable and impartial regulations for the location of driveways to promote the safety of the users of the streets and lands of Rocky Top through the control of design, location, and construction of driveways.

411.1. **General Provisions:** All driveways shall be located subject to the following controls:

411.1.1. No driveway shall be constructed within twenty-five (25) feet of an adjacent street right-of-way line.

411.1.2. Except in residential districts, no part of any entrance may encroach on the frontage of an adjacent property except where a joint use driveway is established at the request of both owners.

411.2. Lot frontage requirements for residential uses are as follows:

411.2.1. Lots with less than seventy-five (75) feet frontage shall have one (1) driveway.

411.2.2. Lots with seventy-five (75) feet to one hundred forty nine (149) feet frontage shall have one (1) driveway, except permitted uses may have two (2) driveways if separated by distance equal to the width of the widest driveway after approval of the plan by the Rocky Top Planning Commission.

411.2.3. Lots with one hundred fifty (150) feet to three hundred ninety-nine (399) feet frontage may have two (2) driveways.

411.2.4. Lots with over four hundred (400) feet frontage may have one (1) additional driveway for each additional two hundred (200) feet frontage or fraction thereof.

411.3. Lot frontage requirements for non-residential uses are as follows:

411.3.1. Lots with less than one hundred forty-nine (149) feet frontage may have one (1) driveway.

411.3.2. Lots with one hundred fifty (150) feet to three hundred ninety-nine (399) feet frontage may have two (2) driveways.

411.3.3. Lots with over four hundred (400) feet frontage may have one (1) additional driveway for each additional three hundred (300) feet.

411.4. The width of all driveways and curb cuts shall be within limits as follows:

411.4.1. Residential uses shall be limited to driveway widths between ten (10) and twenty-five (25) feet.

411.4.2. Uses serving twenty-five (25) or more large trucks per week shall have driveway widths between twenty (20) and forty (40) feet.

411.4.3. All other uses shall be limited to driveways widths between fifteen (15) and thirty (30) feet.

412. Temporary, Mobile, Factory-Built, or Factory Assembled Structures. It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to, cars, vans, trucks, or buses), tents, including tent-type structures, factory-built structures or factory assembled structures designed for conveyance after fabrication, either on its own wheels, flatbed truck, or other trailers; on any lot either residential, commercial, or industrial, within the corporate limits of the City of Rocky Top; used for assembly, business, educational, hazardous, factory, industrial, institutional, mercantile, residential or storage occupancies, except as noted herein.

412.1. Exceptions. Structures exempted from the provisions of this section shall include:

412.1.1. Mobile homes located in approved mobile home parks;

412.1.2. Prefabricated structures or modular building units manufactured off-site and transported to the point of use and installed on a permanent concrete or masonry foundation as a finished building with permanent sewer and water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the commissioner of the Tennessee Department of Commerce and Insurance or an approved inspection agency, as specified in Tennessee Code Annotated, Title 58, Chapter 36, Part 3.

412.1.3. Temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction.

412.1.4. Customary accessory storage buildings in approved residential locations.

412.1.5. Tent used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one calendar year.

412.1.6. A person selling fresh produce locally grown in Anderson or Campbell Counties or fresh Christmas trees, in season, and subject to spoilage;

412.1.7. A person who sells his own property which was not acquired specifically for resale, barter, or exchange and who does not conduct such sales or act as a participant for furnishing goods in such a sale on a regular basis.

413. **Environmental Impacts - Noise.** In all commercial districts, noise impact control and mitigation measures shall be required. At the time of site plan review, the planning commission may require additional data and certification that the proposed activity/development will not generate noise negatively impacting surrounding areas.

413.1. **Requirements:** If the planning commission deems that a potential for negative noise impact exists, the following must be provided prior to final site plan review:

413.1.1. The developer must provide a certified maximum and minimum decibel output of the proposed activity's operations. An overall total of the maximum and minimum decibel output for the project is required. If several different activities, amusements are proposed on the site, as in a PUD, each activity must have a certified minimum/maximum decibel output. In addition, each perimeter of the proposed development must have a certified minimum/maximum decibel output. All certifications must be done by an appropriate expert with expertise in noise containment, and/or noise producing equipment, such as rides, may have the manufacturers specifications on noise output.

413.1.2. The site plan will be reviewed by the planning commission and will review potential decibel outputs of each activity and review proposed and potential control measures.

413.2. **Improvements:** If the proposed development contains any amusement, activity, or any perimeter of the property with a maximum decibel output within ten (10) percent of the maximum decibel output allowed which is 100 dbs, site noise containment measures must be undertaken, and agreements presented as follows:

413.2.1. Site Improvements Measures: Site plans must include noise containment measures and those measurements must be noted on the site plan. These measures can include: dirt berms, fabricated barriers, reduction in the number of rides or activities, muffling of sound, enclosure of activity or other appropriate remedy. An expert in noise abatement must design the plans and certify that maximum decibel output of the total project and each noise producing activity will not exceed the maximum decibel output allowed.

413.2.2. Noise Control Agreements: All site plans which have been required by the planning commission to undergo noise containment review and certification must also have signed, written agreements. The developer and/or owner must present these agreements prior to final site plan review. The agreements must note that the owner(s) and/or developer(s) understands that maximum decibel output as noted in this code (100 dbs) cannot be exceeded and that the owner(s) and/or

developer(s) agree(s) to correct excessive noise after construction and operation by installing additional noise containment or abatement barriers, enclosure, muffling, reduction in the number of amusements causing excessive noise, curtailment of ours of business, or other appropriate remedying procedures. The agreements must be notarized.

413.2.3. Final Site Plan Review: Final approval of the site plan in contingent on all agreements and certification being presented to the planning commission.

414. Site Plan Regulations for Special Events, Festivals, and Similar Activity Uses. It is the general purpose and intent of this section to require site plans for special activities to provide for a lessening of traffic congestion and securing adequate safety precautions and aesthetic conditions for residents of the City. These plans shall be approved by the Rocky Top Planning Commission as consistent with this ordinance and with the comprehensive planning program of the City prior to the issuance of permits. Smaller scale non-profit events, that don't cause much disruption to commercial areas, may be reviewed and approved by planning staff. The site plans shall meet the following requirements.

414.1 *Certifications*: Each site plan should contain information and certification of the following.

414.1.1 Is the event a for profit activity?

414.1.2 Is the event a charity activity?

414.1.3 Is the event to be located on public property?

414.1.4 Is the event to be located on private property?

414.1.5 What is the duration of the event?

414.1.6 How many hours per day will the event be open?

414.1.7 Certification that all activities on premises are directed associated with the event group.

414.2 *Plan Requirements*

414.2.1 Location map, scale, acreage, North point.

414.2.2 Location of areas subject to flood waters.

414.2.3 Location of existing buildings, structures, uses, streets, sidewalks, off-street parking and ingress/egress points.

- 414.2.4 The dimensions of the maximum area to be used for the event.
- 414.2.5 Location of all activity areas and listing of all activities and uses.
- 414.2.6 Location, number and type of all convenience facilities.
- 414.2.7 Submission of a bond to cover damages to any public property.

ARTICLE V. APPLICATION OF REGULATIONS

501. **Use.** Except as herein provided, 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.

502. **Street Frontage.** No dwelling shall be erected on a lot which does not abut on at least one street for at least forty (40) feet except that residential planned unit developments may be excluded from this provision through the plan approval process for planned unit developments.

503. **Corner Lots.** The minimum width of a side yard along an intersecting street shall be fifty (50) percent greater than the minimum side yard requirements of the district in which the lot is located.

504. **One Principal Building on a Lot.** Only one principal building and its customary accessory buildings may hereafter be erected on any lot; except that planned unit developments may be excluded from this provision on the approval of the planning commission.

505. **Reduction of Lot Size.** No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this ordinance shall not be maintained.

506. **Yard and Other Spaces.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

507. **Conformity to Subdivision Regulations.** No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Rocky Top Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

508. **Customary Accessory Buildings in Residential Districts.** Accessory buildings are permitted provided they are located in rear **or side** yards and not closer than five (5) feet to any property line **if the structure is less than two (200) hundred square feet or ten feet if the building is over 200 square feet..** Buildings shall also comply with the setback of the zone in which they are located and not cover more than twenty (20) percent of any required rear yard. **No accessory building shall be over 800 square feet in size.**

509. **Height and Density.** No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

510. **Annexations.** All territory which may hereafter be annexed to the City of Rocky Top, Tennessee, shall be considered to be in the R-I Low Density Residential District until otherwise classified.

ARTICLE VI. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the City of Rocky Top, Tennessee, is hereby divided into **nine (9)** classes of districts as follows:

Residence: R-1 District - Low Density

Residence: R-2 District - High Density

Residence: **R-3 District – High Density Planned Residential Development District**

Commercial: C-1 District - General Commercial

Commercial : C-2 District - Tourist Commercial

Commercial: C-3 District - Neighborhood Commercial

Commercial: C- 4 – Downtown Central Business District

Commercial: C-5 District . Mixed-Use Commercial

Industrial: M-1 District - Industrial

The boundaries of these districts are hereby established as shown on the revised map entitled "Zoning Map of the City of Rocky Top, Tennessee, dated April 10, 2006, and all amendments thereof, which are a part of this ordinance and which is on file in the City Hall. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries, shall be determined by the Rocky Top Board of Zoning Appeals.

ARTICLE VII. PROVISIONS GOVERNING USE DISTRICTS

701. **R-1 (Low Density) Residential.** It is the purpose and intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements of the district are designed to protect the total characteristics of the district, to promote and encourage and environment for family life and to restrict all business orientated activities, including tourist residence uses.

In order to achieve the purpose and intent of the R-1 (Low Density) district, as shown on the zoning map of the City of Rocky Top, Tennessee, the following uses are permitted:

701.1. Single family residences, except mobile homes.

701.2. Two family residences.

701.3. Single and two family PUD's, except mobile homes.

701.4. Customary general farming, **meaning crop production excluding livestock..**

701.5. Customary home occupations, **except gun sales and ranges,** are permitted subject to the following:

701.5.1. There is no external evidence of the occupation, except an announcement sign as permitted in Section 408.5.2.

701.5.2. Only two (2) persons not residents of the dwelling may be employed.

701.5.3. Not more than thirty (30) percent of the total floor area of the building is used.

701.6. Public owned buildings and uses **including general government use buildings, fire halls, police departments, libraries,** following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104, schools offering general education and churches provided:

701.6.1. A site plan is reviewed and approved by the planning commission.

701.6.2. The buildings are placed not less than fifty (50) feet from side and rear property lines.

701.6.3. There are buffers of plant materials with a minimum of six (6) feet in height along side and rear property lines.

701.7. Tennis clubs, country clubs, and other similar uses which are characteristically associated with ample open space areas and recreation or leisure activities, and are used for social purposes which restrict participation to members and guests only, provided that:

701.7.1. The facility is developed as a Planned Unit Development;

701.7.2. There are planted buffer strips along property lines;

701.7.3. The facility is located adjacent to a major street shown on the Rocky Top Major Road Plan.

701.7.4. Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.

701.8. Signs as regulated in Section 408.

701.9. Customary accessory buildings provided they are located in rear yards and not closer than five (5) feet to any property line **and do not exceed 800 square feet.**

702. R-2 (High Density) Residential. It is the purpose and intent of this district to provide areas for high density residential development plus open areas where similar development is likely to occur. Professional services are permitted in the district provided that they meet applicable standards, are limited so as not to encourage general commercial activity, and are located on a major street as noted on the major road plan.

In order to achieve the purpose and intent of the R-2 (High Density) Residential District, as shown on the Zoning Map of the City of Rocky Top, Tennessee, the following uses are permitted:

702.1. Any use permitted in the R-1 Residential District.

702.2. Multi-family dwellings.

702.3. Residential planned unit developments.

702.4. Boarding and rooming houses, and bed and breakfast inns.

703 R-3 High Density Planned Residential District. This district is intended to establish areas for a variety of short-term and permanent residential land uses including condominium developments, RV parks, apartments and subdivision developments which have lot sizes which are 6,000 square feet as a minimum. This district's purpose is to allow alternative housing types yet afford protection to property owners in terms of drainage run-off, traffic congestion, poorly designed high density developments and other factors affecting the health, safety, and welfare of residents.

703.1. Permitted Uses. In order to achieve the intent of the R-3, High Density Planned Development District, as shown on the Zoning Map of the City of Rocky Top, Tennessee, the following uses are permitted.

703.1.2 Condominiums with either: common ownership of yard areas and individual ownership of units or individual ownership of units and yard areas with units having common fire walls, provided that these

subdivisions meet the requirements of the Subdivision Regulations. Density cannot exceed one unit per 3,000 square feet with a minimum of two parking spaces per unit up to three bedrooms. Condos with more than three bedrooms will have to have one parking space for every two additional bedrooms.

703.1.3. Single family lots minimum of 6,000 square feet, provided that these meet the requirements of the Subdivision Regulations and are on public water and sewer.

703.1.4. Apartments: provided that they meet the requirements of section 409, on city water and sewer, have weekly garbage disposal and have a fire hydrant every 700 linear feet. Density cannot exceed one unit per 3,000 square feet. Two paved off-street parking spaces must be provided for each unit.

703.2. Special Exceptions: The following are permitted only if they meet all requirements.

703.2.1 Mobile home parks provided that they meet all requirements of section 409 site plan regulations and contain a density of no more than eight (8) per acre and must be on city sewer and water and have solid waste pick-up provided on a weekly basis by the City or a private vendor. One fire hydrant shall be provided by the developer every five linear hundred feet. Two paved off street parking spaces must be provided for each mobile home site. Mobile homes shall not be located any closer than twenty-feet from any adjacent dwelling or structure.

703.2.2 Recreational Vehicle Park provided that they meet all requirements of section 409 site plan regulations and contain a density of no more than fifteen (15) per acre. All Recreational Vehicle parks must be on public sewer and water with a fire hydrant every 700 feet. One off-street parking place must be provided for every four RV's. Garbage pickup from the City or a private vendor must be provided.

703.2.3. Governmental uses including police stations, fire stations, libraries, schools but excluding solid waste sites.

703.2.4. Public recreation areas and parks.

703.2.5. Licensed Day Care Center: provided that the center meets all the requirements of the State of Tennessee. Day care centers that are unlicensed or have below the number of children required for licensing are not permitted. In the R-3 district, no day care center shall have more than ten children on site at the same time.

704. **C-1 General Commercial District.** It is the purpose and intent of this district to establish an area for concentrated commercial development that the general public requires. The regulations are designed to protect the essential characteristics of the district by promotion of general business, professional and service uses, public uses, and limited residential uses which serve the general public; and to discourage general industrial and wholesale uses. The regulations are also designed to encourage grouping of compatible commercial activities in which parking and traffic congestion can be reduced to a minimum. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by Section 409, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Rocky Top, Tennessee.

In order to achieve the purpose and intent of this district, as shown on the Zoning Map of the City of Rocky Top, Tennessee, the following uses are permitted:

- 704.1. Multi-family dwellings.
- 704.2. Commercial and multi-family PUD's.
- 704.3. Stores and shops conducting retail business.
- 704.4. Public buildings and uses on approval of the Rocky Top Planning Commission, as required by Tennessee Code Annotated 13-4-104.
- 704.5. Personal, business, and professional services, excluding junkyards, storage yards, and other similar uses.
- 704.6. Semi-public buildings and uses on approval of a site plan by the Rocky Top Planning Commission.
- 704.7. Lodges and clubs, hotels and motels, restaurants and similar services.
- 704.8. General recreation, amusement, and assembly uses.
- 704.9. Amusement parks, provided they meet lot size requirements of C-4 district.
- 704.10. Wholesale business and warehousing.
- 704.11. Funeral homes.

704.12. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines.

704.13. Signs as regulated under Section 408.

705. C-2 Tourist Commercial District. It is the purpose and intent of this district to establish areas that encourage the grouping of compatible commercial uses and tourist related uses, reduce traffic and parking congestion, and improve the aesthetic characteristics of the city. The regulations are designed to protect the general public and provide sufficient spaces for tourist related activities. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by Section 409 shall be reviewed; and shall be approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Rocky Top, Tennessee.

In order to achieve the purpose and intent of this district, as shown on the Zoning Map of the City of Rocky Top, Tennessee, the following uses are permitted:

705.1. Any use permitted in the C-I District, except auto repair garages, auto and mobile home sales lots, and funeral homes.

705.2. Travel trailer parks.

704.2.1 Recreational Vehicle Sales within travel trailer parks.

705.3. Day care centers.

705.4. Hospitals and clinics.

705.5. Veterinary clinics.

705.6. Signs as regulated by Section 408.

705.7 Duplexes.

706. C-3 Neighborhood Commercial District. It is the purpose and intent of this district to establish areas to serve surrounding residential districts. The regulations are intended to discourage strip development and encourage grouping of uses in which parking and traffic congestion will be reduced, thereby protecting the general public and promoting a more desirable and aesthetically pleasing community. Therefore, prior to the issuance of building permits for all new multi-family and commercial construction, site plans as required by Section 409, shall be reviewed and approved by the planning

commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Rocky Top, Tennessee.

In order to achieve the purpose and intent of this district, as shown on the Zoning Map of the City of Rocky Top, Tennessee, the following uses are permitted:

706.1. Any use permitted in the R-2 Residential district, subject to the area, yard, and height requirements of the R-2 district.

6705.2. Multi-use commercial centers.

706.3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats, restaurants, and similar uses.

706.4. Professional offices for doctors, lawyers, accountants, dentists, architects, real estate and insurance agencies, day care centers, and similar uses.

706.5. Day care centers.

706.6. Gasoline service stations, provided all structures and pump islands, including underground storage tanks shall be placed not less than twenty (20) feet from all property lines.

706.7. Signs as regulated by Section 408.

707 C-4 Downtown Central Business District. This district is intended to establish an area for the concentrated, centrally located business development required by a large consumer population. The regulations are designed to preserve the clustering of business establishments and public uses and accommodate the large volumes of vehicular and pedestrian traffic these activities generate. The following uses are permitted.

707.1. All retail and service establishments.

707.2. All professional and business offices.

707.3. Public buildings and uses upon review by the Rocky Top Planning Commission.

707.4. Parking lots and garages.

707.5. Semi-public uses upon approval of a site plan by the building inspector.

707.6. Multiple family dwellings as documented and regulated by R-2, Multiple Family Residential District.

707.7. Business signs provided that:

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707.7.1. All signs shall be built at the front or side of a building or within eighteen (18) inches thereof.

707.8. Lodges and clubs.

707.9 Uses permitted On Review:

Light manufacturing uses shall be allowed as special exceptions by the Board of Zoning Appeals provided that:

707.9.1. The use will not create excessive traffic and noise nor otherwise adversely affect neighboring properties.

707.9.2. The use will occupy an existing building that was originally occupied by another use.

707.9.3. All operations and the storage of materials will occur entirely within the building.

708. M-1 Industrial District. It is the purpose and intent of this district to establish areas for industrial activities and heavy commercial establishments along with open areas which will likely develop in a similar manner. The regulations are designed to protect the essential community characteristics and to promote and encourage industrial, wholesaling, and commercial uses and to discourage residential development. Therefore, prior to the issuance of building permits for all new construction, site plans as required by Section 409, shall be reviewed and approved by the planning commission to determine if the projects are in keeping with the comprehensive planning program of the City of Rocky Top, Tennessee.

In order to achieve the purpose and intent of this district, as shown on the Zoning map of the City of Rocky Top, Tennessee, the following uses are permitted:

708.1. Any use permitted in commercial districts except residential uses.

708.2. Terminals.

708.3. Wholesale business.

708.4. Warehouses.

708.5. Storage yards and buildings and similar uses.

708.6. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the planning commission.

708.7. Sexually oriented businesses are permitted only in M-1 Industrial Districts, provided that there is a distance of at least 600 feet between the parcel occupied by the sexually oriented business and any residential structure, or any parcel occupied by a school, church, day care facility, or other sexually oriented business. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on the sexually oriented business's property line to the closest point of a residential structure, or to a property line of a land use identified in the first sentence of this section. A landscaping buffer shall be provided along all rear and side setbacks for twenty (20) feet in depth, staggered evergreens, each with a caliper of 2 and 1/2 inch minimum. Other landscaping standards as enumerated in other parts of the zoning code shall still be required

709. **FP-1 (Floodplain) District.** The Floodplain Overlay District is intended to regulate the use of flood prone lands within the city and to ensure that all development upon such land is in accordance with the National Flood Disaster Act of 1973, and any subsequent amendments thereof. The district's boundaries shall be established in accordance with and corresponding to the city's Flood Damage Prevention Ordinance, the Anderson or Campbell Counties Flood Insurance Study, and all applicable Flood Insurance Rate Maps issued by the Federal Emergency Management Agency. The FP-1 district is established as an overlay district, which places an additional layer of requirements upon the underlying zoning. Within the overlay district no land development, improvement, or building project shall be undertaken unless said project is in conformance with the city's adopted Flood Damage Prevention Ordinance and a permit has been issued by the city's building permit and inspection office documenting compliance with said ordinance.

710. **C-5 Mixed-Use Commercial District:** It is the purpose and intent of this district is to promote economic development while protecting the scenic, cultural, historic, and environmental integrity of major corridor areas in Rocky Top. This is to be accomplished by allowing a mixed-use of commercial and residential activities by using flexibility in design. However, development is to be understated by discouraging traffic congestion, having signage that is low key, adequate lighting that is not invasive, etc. The regulations are designed to promote low impact development through the efficient

use of land and achieve a more economical arrangement of buildings, circulation systems, land uses, and utilities and encourage the concept of pedestrian oriented development to allow safe pedestrian access throughout the district. The regulations will promote the preservation of existing landscape and the efficient use of new landscaping, signage, outdoor lighting and underground utilities to provide a more aesthetically pleasing community that will contribute to the overall character of the district.

In order to achieve the purpose and intent of the this district, as shown on the Zoning Map of the City of Rocky Top, Tennessee, the following uses are permitted:

710.1: Uses Permitted:

- 710.1.1 Single Family homes that do not access directly onto an arterial street. Must meet lot size and setbacks of an R-1 district (Section 801).
- 710.1.2 Commercial and residential PUDs.
- 710.1.3 Grocery Stores, Drug stores, Hardware stores, Laundromats.
- 710.1.4 Hotels, Motels, and overnight and weekly rentals.
- 710.1.5 Multi-family residential.
- 710.1.6 Multi-use commercial centers.
- 710.1.7 Stores and shops conducting retail business.
- 710.1.8 Churches.
- 710.1.9 Public Buildings.
- 710.1.10 Travel Trailer Parks.
- 710.1.11 Restaurants.
- 710.1.12 Outdoor Recreational Attractions.
- 710.1.13 Theatres.
- 710.1.14 Hospitals and clinics.
- 710.1.15 Professional offices for doctors, lawyers, accountants, architects, real estate and insurance agencies, and other similar uses.
- 710.1.16 Light Manufacturing as defined in Article 3. Welding shops are permitted.
- 710.1.17 Banks.
- 710.1.18 Wineries
- 710.1.19 Distilleries**

710.2 Uses Prohibited:

- 710.2.1 Junkyards.
- 710.2.2 Mobile home parks.
- 710.2.3 Storage yards.
- 710.2.4 Flea Markets.
- 710.2.5 Adult Oriented Businesses.
- 710.2.6 Tattoo Parlors
- 710.2.7 Psychic Shops/Stores

710.2.8 **Auto Repair Shops:** provided that there are no more than 6 parking spaces in the front of the building. No other car storage is allowed in the front of the building or front yard. It is encouraged that car storage be in the rear yard behind the building. Any car storage in the side yard or rear yards must be screened by trees every 10 feet. These trees must be a caliper of 2 and ½ inch minimum that can grow to a minimum of 20 feet high. All other landscaping requirements of this ordinance also apply

710.2.9 **Auto Sales:** provided that there is a minimum of 50 cars

710.3: Uses Permitted on Review by the Board of Zoning Appeals in a C-5 District:

710.3.1 **Local Crafts and Furniture Shops:** provided outdoor chainsaw art working/demonstration areas are not in the rear yard and setback from the public at least 20 feet. Outdoor displays must be as close to the buildings as possible and should never be in the ROW of any street. Additionally, they must be 20 feet from the property line off any arterial street.

710.3.2 **Day Care Centers:** provided if there are more than 8 children it must be located on at least a collector street. Day care centers with more than 25 children must be located on an arterial street. Playgrounds must be in the side or back yard and screened by a solid fence or a chain fence that has evergreen trees that surround the perimeter at least every 10 feet. There must be a drive-thru for pick-up and drop-off. No more than 8 parking spaces on site.

710.3.3 **Wholesale business and warehousing:** provided that if the façade is sheet metal or cinderblock type, that evergreen trees be placed around the perimeter of the building at least every 15 feet. Must be located within one quarter mile of an arterial road. If the lot fronts an arterial road it must be setback at least 35 feet from the front property line and 15 feet from side and rear property lines. All size trucks must be able to maneuver on site. Must be at least 500 feet from a residential structure

711.3.4 **Gas Stations/Convenience stores:** provided a lighting plan is submitted which conforms to the lighting requirements of this zone. Intensity of lighting shall not exceed the following maximum requirements:

710.3.4.1 Store canopies = 15.0 foot candles.

710.3.4.2 Other areas around the store = 10.0 foot candles.

710.3.4.3 Within 20 ft. adjacent to residential zones = 0.5 foot candles

710.3.4.4 Within 20 ft. adjacent to all other zones = 0.5 foot candles

710.3.7 **Amusements:** provided all amusements are less than 60 feet in height, with an equal fall zone. A lighting and sound plan is submitted.

710.3.7.1 Sound will be no greater than:

- 65db before 10 PM and 55db after 10 PM adjoining commercial uses.
- 55db before 10 PM and 50db after 10 PM adjoining residential uses.

710.3.7.2 The lighting plan submitted must conform to the lighting requirements of this zoning. Intensity of lighting shall not exceed: **All lighting must cast downward and not on adjoining properties.**

710.4: **Signs Permitted in the Mixed Use Commercial District C-5:**

710.4.1 General- Signs permitted in Sections 408.4 and 408.5.

710.4.2 Maximum Signage Permitted- Each parcel is permitted only one ground or monument sign. This sign may be a two-sided sign (front and back) and the two sign faces must be parallel to each other. The square footage of each face of that sign cannot exceed 100 feet. As part of the ground signage each parcel can have one LED (or similar electronic) message board not to exceed 33 square foot. This square footage must be included in the 100 square feet total for a ground sign face. The sign support structure can be no higher than 25 feet and the sign face can be no higher than 20 feet high at its highest point. The sign support structure cannot contain any ~~graphics~~ or **videos** and no side can total more than 200 square feet in area. **No signage lighting shall cast on another property or blind traffic. No flashing lights are permitted.**

710.4.3 A wall/façade sign may also be permitted for each business or tenant. This sign can be up to (10) percent of the building front wall space (height times linear feet) and shall not protrude above the height of the building. The wall/façade sign shall be permitted on any side of the building but only one side qualifies for a wall/façade sign. In the case of multi-tenant establishments, each tenant can have a sign up to (10) percent of the tenant front wall space, to be placed in the tenant front wall space. In any case, no one wall/façade sign can exceed 75 square feet. Logo signs are permitted per section 408.2.4 of this ordinance.

710.4.4. In the case where such a development fronts on intersecting or parallel arterial or collector streets, an additional ground or monument sign of no more than 50 square feet per sign face is allowed. This can only be placed along the street which will not have the main ground or monument sign listed above.

710.4.5. Signs shall incorporate the architectural theme of the development and made of natural materials such as wood, brick, stone etc.

710.4.6. Multi-use Commercial Centers- In addition to previously mentioned signage allowance, multi-tenant establishments can list tenants (the name and/or nature of the activity) on the ground sign. It must be under and adjacent to the ground sign face and no more than 10 square feet is allowed for each tenant.

710.4.7. Graphics and all other ~~signing~~ (see definition in Article III) shall be counted as a part of the maximum signage.

710.5: Utility Plans: The power plan shall utilize an underground system. Where an underground system is not possible, as determined by the planning commission, power service connections shall be located at the rear of the structure or structures.

710.6: Landscaping:

710.6.1. Credit for Existing Vegetation: Existing vegetation on site should be preserved as much as possible to complement any new landscaping and may be credited towards the requirements of this subsection. Such areas shall be shown on the required landscape plan to be maintained..

710.6.2. Plant Diversity: Unless otherwise approved by the Rocky Top Planning Commission, all plant materials used to meet the landscape, buffer, or screening requirements shall conform to current edition of The Right Tree for the Right Place..

710.6.3. Minimum Size at Time of Planting: All trees at the time of planting shall be a minimum caliper of 1 1/2 " or a minimum height of five (5) feet.

710.6.4. Stabilization : All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

710.6.5. Planting in Easements: Nothing except small trees, shrubs or groundcover shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the written consent of the utility provider, easement holder or city.

710.6.6. Plans for landscaping, screening, open space and ingress/egress points. The landscaping plan shall include landscaping containing the following minimum standards:

710.6.6.1 Street frontage: a landscaped strip of seven (7) feet in width and a minimum of one tree for every twenty-five (25) feet.

711.6.6.2 Interior landscaping: five (5) percent of the interior of the parking area shall be landscaped and one (1) tree for each three hundred (300) square feet of landscaped area shall be required along with other appropriate plant materials.

710.6.6.3 Perimeter landscaping: a landscaped strip of five (5) feet.

710.6.6.4 The parking spaces shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicles or pedestrian traffic.

710.6.6.5 The plan shall contain a description of plants and material and methods for care and maintenance.

710.6.6.6. The landscaping shall be permanently maintained. (See Section 410).

710.6.7. Landscaping addition: Requirements for interior landscaping in parking areas for commercial site plans under section 409.8.2 may be waived if trees/landscaping are placed around the perimeter the parking areas and the building(s) at one (1) tree every twenty (20) feet. The remaining site plan landscaping requirements under section 409.8 still apply, as well as, requirements contained in this district

710.7: **Sanitation:** All dumpster must be screened from view on three sides. This could be done by any combination of trees, landscaping, or brick or split-faced block enclosures.

710.8: **Exterior Lighting:**

710.8.1. Exterior lighting of the building and site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing. All outdoor light fixtures shall be either shielded, designed or provided with light angle cut-offs, have 45 degree down directional flood lighting, or recessed. This is to eliminate up-lighting, spill light, and glare.

710.8.2. Excessive illumination of signage, building, or site shall be avoided. Roof lighting, down-lighting that washes the building walls, and illuminated awnings are strongly discouraged.

710.8.3. Fixture mounting height should be appropriate for the project and the setting. The mounting height of fixtures in smaller parking lots or service areas shall not exceed twenty feet. Lower mounting heights may be required where sites are adjacent to residential areas or other sensitive land uses. Low, bollard-type fixtures shall be used at 3 to 4 feet in height in pedestrian areas for lighting.

710.8.4. Motion activated lights shall be utilized wherever feasible.

710.9: **Screening Along Residential District Boundaries:** To assist in preventing the transmission of light and noise and to generally cushion the ramification of commercial uses on a residential district, screening shall be required where a development abuts any residential district. The screening shall meet the following requirements:

710.9.1 It shall be of such plant materials as will provide year-round evergreen screening.

710.9.2 It shall not be less than six (6) feet in height.

710.9.3 It shall be from the grade of the property upward.
710.9.4 It shall be permanently maintained.

ARTICLE VIII

801. **Area, Yard, and Height Requirements.** For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the City of Rocky Top, Tennessee, Zoning Ordinance are hereby established as follows:

Area, Yard, and Height Requirement by District in the City of Rocky Top							
District	Area in Square Feet	Minimum Lot Size Per Addition Family (sq. ft)	Lot Width in Feet **	Minimum Yard Requirements From Property Lines			Maximum Height of Structures
				Front	Side (Each Side)	Rear	
R-1	10,000	10,000	70 ft	30 ft	15 ft	25 ft	35 ft
R-2	7,000	3,500	60 ft	30 ft	8 ft per story	25 ft	35 ft
R-3	7,000	2,500	60 ft	30 ft	8 ft per story	25 ft	35ft
C-1	FAR not greater than 1.0			35 ft	Per building code	Per building code	80 ft
C-2	FAR not greater than 1.0			35 ft	Per building code	Per building code	80 ft
C-3	FAR not greater than 1.0			35 ft	(20 ft)	(20 ft)	70 ft
C-4	None			None	None	None	None
M-1	FAR not greater than 1.0			30 ft	20 ft	25 ft	75 ft
C-5	None			50 ft	50 ft	50 f	Buildings 70 ft Rides 150 ft

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ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

901. **Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time 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 Article XI. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as clearly as is possible in the opinion of the Board of Zoning Appeals.

902. **Adjoining and Vacant Lots of Record.** A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subjected to the requirements of this ordinance.

903. **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 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 lot, is less than the minimum front yard shall be the average of the existing front yard depths on the developed lots.

904. **Group Housing Projects.** In the case of a group housing project or two or more buildings to be constructed on a plot of ground of at least one acre not subdivided into the customary streets and lots and which will not be so 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, a special exception to the terms of this ordinance may be made 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 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 located or a smaller lot area per family than the minimum required in such district, or a greater height or a larger coverage than the requirements of this ordinance permit in such a district.

905. **Exception on Height Limits.** The height limitations of this ordinance shall not apply to church spires, public belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials, except height requirements shall apply to telecommunication towers. Telecommunication towers shall include but not be limited to cellular, radio and television towers and each shall be constructed on a separate parcel with the minimum undeveloped square feet totaling at least a one to one ratio for set backs of one ground

foot for every one foot of tower height. No telecommunication tower shall be placed on any parcel that is subject to clear cutting and each telecommunication tower parcel shall have a buffer zone one hundred feet wide on all sides forested with trees, each of which have four inch caliper width. Each telecommunication tower shall be constructed only upon the posting with the City of a performance bond equal in amount to twenty (20%) percent of the construction cost for the performance of tower demolition upon the termination of the towers use

ARTICLE X. ENFORCEMENT

1001. **Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

1002. **Building Permit Required.** It shall be unlawful to commence the excavation for or 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 for such work a building permit including a statement that the plans, specifications and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector.

1003. **Issuance of Building Permit.** The building inspector may issue a foundation permit, in accordance with the terms of the appropriate building code, for new construction prior to the receipt of a certified footer survey, but the applicant will be proceeding at his own risk. Prior to receiving a building permit for any above ground construction, the applicant shall submit said certified footer survey indicating the location and extent of the proposed building or addition (including decks, etc.) in relation to property lines, rights-of-way and setback lines. The applicant 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, the building inspector shall issue a building permit for such excavation or construction. If the building inspector refuses to issue a building permit, he shall state the reasons for such refusal in writing to the applicant.

1004. **Certificate of Occupancy.** Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building inspector shall state

such refusal in writing with the cause. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.

1005. **Penalties.** Any persons violating any provision of the ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined **according to state law**.

1006. **Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or any other appropriate action in proceeding to prevent the occupancy or use of such building.

ARTICLE XI. BOARD OF ZONING APPEALS

1101. **Creation and Appointment.** A board of zoning appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Rocky Top Regional Planning Commission is hereby designated as the board of zoning appeals and the terms of the members of the board of zoning appeals shall be concurrent with the terms of the members of the Rocky Top Regional Planning Commission.

1102. **Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witness. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

1103. **Appeals: How Taken.** An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building inspector and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the board all papers constituting the record upon which the action for the hearing of the appeal, give notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

1104. **Powers.** The board of zoning appeals shall have the following powers:

1104.1. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, or 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.

1104.2. **Special Exceptions.** To hear and decide special exceptions to this ordinance as set forth in Article IX.

1104.3. **Variance.** To hear and decide applications 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 at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary 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 substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granted 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. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

1105. **Action of the Board of Zoning Appeals.** In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

ARTICLE XII. AMENDMENT

1201. **Procedure.** The Mayor and Board of Council may amend the regulations, boundaries, or any provision of this ordinance. Any member of the city board may introduce such amendment, or any official, board, or any other person may present a petition to the Board of Mayor and Council requesting an amendment or amendments to this ordinance. No request for amendment for rezoning shall come before the city board more than once per year for substantially the same property or properties unless the same on second request for amendment for rezoning has been approved by the Planning Commission for the City of Rocky Top. If thirty (30%) percent or more of the property was in a rezoning request submitted by the property owners, the rezoning request shall be considered substantially the same, regardless of the nature of the request.

1202. **Approval by Planning Commission.** No such amendment shall become effective unless the same first be submitted for approval, disapproval or suggestions to the planning commission. If the planning commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the planning commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

1203. **Introduction of Amendment.** Upon the introduction of an amendment of this ordinance or upon the receipt of a petition to amend this ordinance, the board of mayor and council shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen of the request change. Said notice shall be published in some newspaper of general circulation in the City of Rocky Top, Tennessee. Said hearing by the Mayor and Council shall take place not sooner than fifteen (15) days after the date of publication of such notice.

ARTICLE XIII. LEGAL STATUS PROVISIONS

1301. **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 the City of Rocky Top, the most restrictive shall in all cases apply.

1302. **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.

1303. **Effective Date.** This ordinance shall take effect and be in force from and after its passage, the public welfare demanding it.

Certified by Planning Commission _____

Passed on First Reading _____

Passed on Second Reading _____

Approved and Signed in Open Meeting _____

Approved as to Form:

/S/ _____
City Attorney

Attest:

/S/ _____
City Recorder

