

# **ZONING ORDINANCE LAWRENCEBURG, TENNESSEE**

ORDINANCE NO. 789

ZONING ORDINANCE

LAWRENCEBURG, TENNESSEE PLANNING COMMISSION

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Change 3, June 25, 2015

AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
Sept. 9, 1994	810	Replaced Article V, Section 5.092, Section C. through c,1, a-f. also, section C.2
April 11, 1996	841	Amended Article IV, Section 4.086, e. (1), by deleting, maximum sign area of one hundred (100) square feet, from third sentence and replacing with maximum sign area of one hundred-fifty (150) square feet
April 11, 1996	842	Added Article III, Section 3.120, <u>Zero Lot Line Regulations</u> , added. (3.120; A, B, C, D, E.)
March 11, 1999	901	Amended Article IV, Section 4.086, added new Subsection 3, <u>Off-Premise Commercial Sign Lot</u>
October 21, 1999	911	Amended Article IV, Section 4.086, deleted text from Subsection 1, c, (1), and replaced with new text; deleted text from Subsection 1, d, (1), and (4), and replaced with new text; deleted text from Subsection 2, a, (1), and (3), and replaced with new text; and Subsection 2, a, (1), and (3), added new paragraph
May 4, 2000	926	Added Article V, Section 5.100--5.108, relative to airport zoning provisions
March 15, 2001	936	Amended Article IV, Section 4.130, <u>Minimum Design Standards for Transmission and Communication Towers and Stations</u>
June 7, 2001	939	Replaced Article III, Section 3.120 in its entirety
March 7, 2002	950	Amended Article VII, Section 7.030, by adding a new Subsection 3

Change 3, June 25, 2015

November 16, 2005	1014	Added Article IV, Section 4.140
July 24, 2008	1044	Amended Article VI, Section 6.021, C
August 12, 2010	1067	Amended Article V, Section 5.601, D
January 10, 2013	1103	Amended Article VII, Section 7.70, C
January 10, 2013	1108	Amended Article IV, Section 4.015, 2
December 12, 2013	1124	Amended Article II, Section 2.030, E, 18

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**ARTICLE 1**  
**ENACTMENT**

**SECTION**

- 1.010 Authority
- 1.020 Title
- 1.030 Purpose
- 1.040 Enactment
- 1.050 Repeal

**1.010 AUTHORITY**

An ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-210, Tennessee Code Annotated, to provide for the establishment of districts within the City of Lawrenceburg, Tennessee: to regulate within such districts, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities and similar purposes to include special districts for areas subject to flooding and areas developed as a planned development; to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this ordinance and for the official, whose duty it shall be to enforce the provisions thereof; and to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations. (Ord. #789, June 1993)

**1.020 TITLE**

This ordinance shall be known as the Zoning Ordinance of Lawrenceburg, Tennessee, dated, June 18, 1993. The zoning map shall be referred to as the Official Zoning Map of Lawrenceburg, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance. (Ord. #789, June 1993)

**1.030 PURPOSE**

The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas.
- B. Preventing overcrowding of land.
- C. Conserving the value of land and buildings.
- D. Minimizing traffic hazards and congestions.
- E. Preventing undue concentration of population.
- F. Providing for adequate light, air, privacy, and sanitation.
- G. Reducing hazards from fire, flood, and other dangers.
- H. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services.
- I. Encouraging the most appropriate uses of land.
- J. Enhancing the natural, man-made and historical amenities of Lawrenceburg, Tennessee. (Ord. #789, June 1993)

#### **1.040 ENACTMENT**

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building. (Ord. #789, June 1993)

#### **1.050 REPEAL**

The existing Zoning Ordinance of Lawrenceburg, Tennessee, December 31, 1970, as amended, is hereby repealed. The adoption of this ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate any

existing violation of said regulations, as amended, if the violation is also a violation of this ordinance. (Ord. #789, June 1993)

**ARTICLE II**

**DEFINITIONS**

**SECTION**

2.010 Scope

2.020 Definitions

2.030 Use Classification System

**2.010 SCOPE**

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended," "designed," or "arranged to be used" or "occupied."
- F. The word "lot" includes the words "plot" or "parcel." (Ord. #789, June 1993)

**2.020 DEFINITIONS**

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Zoning Ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

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

**ACCESSORY BUILDING OR STRUCTURE:** A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

**ACCESSORY USE:** A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

**ADVERTISING:** Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

**ADVERTISING SIGN OR STRUCTURE:** See SIGN.

**AGRICULTURE USE:** The use of a tract of land five (5) acres or more in size including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and wood, provided, however, all health codes of Lawrence County are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use nor shall the commercial feed lots, the raising of furbearing animals, fish or minnow hatcheries.

**AGRICULTURAL ACCESSORY USE.** Those structures or equipment which are normally required in the operation of agricultural uses.

**ALLEY:** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

**ALTERATION:** As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

**AREA, BUILDING:** The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

**ATTACHED:** An enclosure having continuing walls, roof and floor.

**AUTOMOBILE WRECKING:** The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof. Any lot or place of business which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, found.

**AVERAGE GROUND ELEVATION:** The elevation of the mean finished grade at the front of a structure.

**BASEMENT:** A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half ( $\frac{1}{2}$ ) of its height is above the average ground elevation or when subdivided and used for commercial activities.

**BOARD:** The Lawrenceburg, Tennessee Board of Zoning Appeals.

**BUFFER STRIP:** A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

**BUILDING:** Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

**BUILDING AREA OF A LOT:** That portion of a lot bounded by the required year yard, side yards, and the building setback line.

**BUILDING COMMISSIONER:** The Zoning Codes Officer or his authorized representative appointed by the Lawrenceburg City Commission.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

**BUILDING SETBACK LINE:** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

**BUILDING SETBACK LINE, FRONT:** A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

**BUILDING SETBACK LINE, REAR:** A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

**BUILDING SETBACK LINE, SIDE:** A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

**BULK:** Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

**CAMPING GROUND:** A parcel of land used or intended to be used, let, 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.

**CITY COMMISSION:** The Lawrenceburg City Commission.

**CLINIC:** See MEDICAL FACILITY.

**CONDITIONAL USE (SPECIAL EXCEPTION):** A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use is made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-107, Tennessee Code Annotated.

**CONVENIENCE SALES:** The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

**CONVENIENCE SERVICES:** Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats but excludes other apparel, cleaning and repair services.

**COUNTRY CLUB:** A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, club house, pool, dining facilities, lounge.

**COVERAGE:** The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

**DAY CARE HOME OR CENTER:** Any place, home or institution, which receives eight (8) or more unrelated young children for general care, exercise, play or observation.

**DEVELOPMENT:** Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

**DWELLING:** A building or part thereof used as a habitation under one of the following categories:

**Single detached dwelling** means a building and accessories thereto principally used, designed, or adapted for use by a single household.

**Duplex dwelling** means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

**Triplex dwelling** means a building and accessories thereto principally used, designed, or adapted for use by three (3) households, the living quarters of each of which are completely separate.

**Multi-family apartment or dwelling** means a building and accessories thereto principally used, designed, or adapted for use as occupancy by four (4) or more households each of which has separate living quarters.

**Rooming house** means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provider cooking and dining facilities.

**Boarding house** means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

**Town house** means a residential structure containing four (4) or more nondetached dwelling units separated by a common vertical wall.

**Condominium** means an apartment building or townhouse containing four (4) or more dwelling units separated by a common vertical wall.

**Mobile home dwellings** means a detached one-family dwelling with all the following characteristics:

- (1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (2) Constructed as a single self-contained unit and mounted on a single or combined chassis transportable after fabrication on its own wheels or detachable wheels.
- (3) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

**Prefabricated dwelling** means a single detached dwelling constructed primarily offsite, designed to be transported on a flatbed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary or onsite systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.

**FAMILY**: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below) shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises

without being counted as a family or families, and that four (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house.<sup>1</sup>

**FLOOR AREA:** The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of the building or portions thereof without walls, but excluding in the case of nonresidential facilities; arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

**FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

**GASOLINE SERVICE STATION:** Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

**GRADE, FINISHED:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**HEALTH DEPARTMENT:** The Lawrenceburg County Department of Health and Environment.

**HEIGHT OF BUILDING OR STRUCTURES:** The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building structure.

**HOME OCCUPATION:** See Section 4.040.

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<sup>1</sup>State law reference

Tennessee Code Annotated, title 13, chapter 24.

**HOSPITAL:** See MEDICAL FACILITIES.

**JUNK YARD OR SALVAGE YARD:** A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

**LANDSCAPING:** The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

**LANDHOLDER:** The legal or beneficial owner or owners of all the land proposed to be included in a planned development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this ordinance.

**LOADING SPACE:** An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

**LOT:** A piece, plot, or parcel of land in one ownership, which may include one or more lots of records, occupied or to be occupied by one or more principal building and accessory buildings, including the open spaces required under this ordinance.

**LOT, AREA:** The total surface land area included within lot lines.

**LOT, CORNER:** A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

**LOT, DEPTH:** The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

**LOT, FRONTAGE:** That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINES:** The boundary dividing a given lot from the street, an alley or adjacent lots.

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this ordinance.

**LOT WIDTH:** The width of a lot at the building setback line measured at right angles to its depth.

**MARINA:** A facility for the docking and servicing of boats.

**MEDICAL FACILITIES:**

**Convalescent, Rest or Nursing Home:** A health facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.

**Dental Clinic or Medical Clinic:** A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

**Hospital:** An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

**Public Health Center:** A facility utilized by a health unit for the provision of public health services.

**MOBILE HOME PARK:** Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

**NONCONFORMING USE:** A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

**NOXIOUS MATTER:** Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

**OPEN SPACE:** An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

**OWNER:** Includes his duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.

**PARKING LOT:** An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

**PARKING SPACE:** An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

**PLANNED DEVELOPMENT:** A relatively large, interrelated commercial development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

**PLANNING COMMISSION:** The Lawrenceburg Regional Planning Commission.

**PRINCIPAL STRUCTURE:** A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with two meeting any yard requirement.

**PRINCIPAL USE:** The specific primary purpose for which land or a building is used.

**PROFESSIONAL OFFICE:** The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

**PUBLIC USES:** Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

**ROADWAY:** The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

**SANITARY LANDFILL:** An area of site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.

**SHOPPING CENTER:** A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its' trade area.

**SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE:** Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit.

**Business Sign:** A sign which directs attention to the business or profession conducted on the premises.

**Billboards:** A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

**Flashing Sign:** Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

**Ground Sign:** A sign supported by a pole, uprights, or braces on the ground.

**Illuminated Sign:** A sign designed to give forth any artificial light or reflect such light from an artificial source.

**Indirect Illumination Sign:** Any illuminated nonflashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residence or streets.

**Marquee Sign:** A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

**Off-Premises Sign:** A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

**On-Premises Sign:** A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

**Pole Sign or Banjo Sign:** A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

**Roof Sign:** A detached sign supported upon the roof or wall of a building.

**Temporary Sign:** Temporary signs shall include any sign banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

**Wall or Flat Sign:** Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

**SPECIAL EXCEPTION:** A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than one-half ( $\frac{1}{2}$ ) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

**STREET**: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

**TOXIC MATERIALS**: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

**TRAVEL TRAILER**: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

**TRAVEL TRAILER PARK**: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

**USE**: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

**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, provided that accessory buildings may be located in a rear yard.

**YARD FRONT**: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

**YARD, REAR**: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

**YARD, SIDE**: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard. (Ord. #789, June 1993)

## **2.030 USE CLASSIFICATION SYSTEM**

The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the Board of Zoning Appeals shall make the determination based upon the characteristics of the unlisted use.

A. Listing of Activity Classifications

All activities are hereby classified into the following activity types:

1. Residential Activities

a. Permanent

Dwelling, Single Detached  
Dwelling, Duplex  
Dwelling, Triplex  
Dwelling, Mobile-Home  
Dwelling, Multi-Family  
Mobile Home Park

b. Semi-Permanent

Boarding House  
Rooming House

2. Community Facility Activities

Administrative  
Community Assembly  
Community Education  
Cultural and Recreation Services  
Essential Service  
Extensive Impact  
Health Care  
Intermediate Impact  
Personal and Group Care Facilities  
Religious Facilities

3. Commercial Activities

Animal Care and Veterinarian Services  
Automotive Parking  
Automotive Service and Repair  
Building Materials and Farm Equipment  
Consumer Repair Services  
Construction Sales and Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting, and Administrative

Food and Beverage Service  
Food Service - Drive-In  
General Business and Communication Services  
General Personal Service  
General Retail Trade  
Group Assembly  
Medical and Professional Services  
Transient Habitation  
Transport and Warehousing  
Undertaking Services  
Vehicular, Craft, and Related Equipment Sales,  
Retail and Delivery  
Wholesale Sales

4. Manufacturing Activities

Limited  
Intermediate  
Extensive

5. Agricultural, Resources Production, and Extractive Activities

Agricultural Services  
Crop, Animal and Poultry Raising  
Mining and Quarrying  
Plant and Forest Nurseries  
Commercial Feed Lots and Stockyards

B. Accessory Uses

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this zoning ordinance.

C. Residential Activities

1. Permanent Residential

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living

arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this ordinance are permanent residential activities; however, only those dwelling types as indicated by individual district regulations may be permitted therein.

Dwelling, Single Detached  
 Dwelling, Duplex  
 Dwelling, Triplex  
 Dwelling, Mobile Home  
 Dwelling, Multi-Family (apartment, townhouse)  
 Mobile Home Park

2. Semi-Permanent Residential

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit types as defined by this ordinance are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

Boarding House  
 Rooming House

D. Community Facility Activities

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices  
 Civil Defense Facilities  
 Court Buildings

Fire Department Facilities  
Police Department Facilities  
Post Offices

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations  
Private (nonprofit) Clubs, Lodges, Meeting Halls, and  
Recreation Centers  
Temporary Nonprofit Festivals

3. Community Education

The activities typically performed by the following institutions:

Public and Private Nursery Schools  
Kindergarten, Primary and Secondary Schools

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art Galleries  
Libraries  
Museums  
Parks, Playgrounds, and Playfields  
Planetariums and Aquariums  
Recreational Centers and Gymnasiums  
Swimming Pools and Beaches  
Zoological and Botanical Gardens

5. Essential Services

Includes the maintenance and operations of the following installations:

Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities

6. Extensive Impact Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

Airports, Air Cargo Terminals, Heliports, or Other  
Aeronautical Devices  
Correction and Detention Institutions  
Electricity Generating Facilities and Transmission Lines  
Garbage Incineration Plants, Including Cogeneration Facilities  
And Sanitary Landfills  
Major Fuel Transmission Lines and Facilities  
Major Mail Processing Centers  
Military Installations  
Public and Private Utility Corporations and Truck Yards,  
Including Storage Yards  
Railroad Yards and Other Transportation Equipment Marshalling  
And Storage Yards

7. Health Care Facilities

Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professional:

Centers for Observation or Rehabilitation  
Convalescent Homes  
Hospitals  
Medical Clinics

8. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and

typically performed by, or the maintenance and operation of the following institutions or installations.

Cemeteries, Columbariums, and Mausoleums  
 Colleges, Junior Colleges, and Universities, but Excluding  
 Profit-Making Business Schools  
 Commercial Boat Docks, Marinas, and Yacht Clubs  
 Golf Courses  
 Water Storage Facilities, Water and Sewage Treatment Plants  
 Radio and TV Transmission Facilities  
 Country Clubs

9. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Associations for Physically or Mentally Handicapped Persons  
 Day Care Centers  
 Group Homes for Physically or Mentally Handicapped Persons  
 Nursing Homes  
 Retirement or Rest Homes  
 Orphanages

10. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community service functions but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. The activities include:

Chapels  
 Churches  
 Convents or Monasteries  
 Sanctuaries  
 Synagogues  
 Temples

E. Commercial Activities

1. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

Veterinarian Clinics and Kennels

2. Automotive Parking

Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

Auto Parking Lots

Parking Garages

3. Automotive Services and Repair

Includes the sale, from the premises, of good and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

Auto Cleaning and Repair Services

Auto Glass Repair and Replacement Shops

Auto Inspection and Diagnostic Services

Auto Paint Shops

Auto Towing Services

Car Washes

Gasoline, Fuel, and Oil Sales and Service

Radiator and Muffler Shops

Tire Retreading and Repair Shops

Wheel Alignment and Transmission Repair Shops

4. Building Materials and Farm Equipment

Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

Farm Equipment and Supplies  
Feed Milling and Sales  
Heating, Plumbing, and Electrical Supplies  
Lumber and other Building Material Dealers  
Retail Nurseries, Lawn and Garden Supply Stores  
Seed Storage and Sales

5. Consumer Repair Services

Include the servicing and repair of appliance, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

Blacksmith Shops  
Electrical Repair Shops  
Gunsmith Shops  
Instrument Repair Shops  
Locksmith Shops  
Office Equipment Cleaning and Repair  
Reupholstery and Furniture Repair  
Saddlery Repair Shops  
Watch, Clock, and Jewelry Repair  
Lawn Mower Repair Shop

6. Construction Sales and Services

Includes the offices, buildings, and shops of various types of contractors as well as incidental onsite construction and storage.

Builder's Hardware  
Carpentering Contractors  
Concrete Contractors  
Excavation Contractors  
General Building Contractors  
Glazing Contractors  
Highway and Street Construction Contractors  
Masonry, Stonework, Tile Setting, and Plastering Contractors  
Painting, Paper Hanging, and Decorating Services  
Plumbing, Heating, and Electrical Contractors  
Roofing and Sheet Metal Contractors

7. Convenience Commercial

Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed five thousand (5,000) square feet of gross floor area.

Barber Shops  
 Beauty Shops  
 Drug Stores  
 Fruit and Vegetable Markets  
 Grocery Stores  
 Hardware Store (no outside storage)  
 Laundry and Dry Cleaning Pick-up Stations  
 Liquor Stores  
 News Stands  
 Self-Service Gasoline Pumps  
 Tobacco Shops

8. Entertainment and Amusement Services

Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, to assembled groups of spectators or participants.

Art Galleries (Commercial)  
 Batting and Golf Driving Ranges  
 Bowling Alleys and Billiard Parlors  
 Coin Operated Amusement Arcades  
 Dance Halls and Studios  
 Exhibition Halls and Auditoriums  
 Recording and TV Production Services  
 Skating Rinks  
 Theaters  
 Theatrical Producers, Bands, Orchestras, and Entertainers

9. Financial, Consulting, and Administrative Services

Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These also

include the executive, management, or administrative activities of private, profit oriented firms, but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance.

Agricultural Credit Institution  
Banking and Bank-Related Functions  
Credit Unions  
Holding and Investment Organizations  
Insurance Carriers, Agents, Brokers, and Service  
Money Management and Investment Offices  
Real Estate Brokers, Managers and Appraisers  
Rediscount and Financing Institutions for Credit Agencies  
    Other Than Banks  
Savings and Loan Associations  
Securities Commodities, Brokers, Dealers, and Exchanges  
    Title Offices

10. Food and Beverage Service

Include the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

Restaurants  
Taverns

11. Food Service Drive-In

Includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot.

Drive-In Restaurants  
Fast Food Restaurants with Drive-Thru Service

12. General Business and Communication Services

Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but include the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

Advertising Agencies and Services  
 Commercial Cleaning Services  
 Commercial Testing Laboratories  
 Communications Services  
     Radio and Television Broadcasting Studios  
     Telegraph Offices and Message Centers  
     Telephone Exchanges and Relay Towers  
     Television and Recording Production Studios  
 Computer and Data Processing Services  
 Credit Reporting, Adjustment, and Collection Agencies  
 Detective Agencies and Protective Services  
 Drafting Services  
 Employment, Personnel, and Temporary Help Services  
 Exterminating Services  
 Interior Decorator and Consulting Services  
 Mailing, Reproduction, and Commercial Art Services  
 Management, Consulting, and Public Relations Services  
 Membership Organizations  
     Automobile Clubs  
     Better Business Bureaus  
     Chamber of Commerce  
     Labor Unions  
     Political Organizations  
     Professional Associations  
 News Syndicates  
 Photofinishing Services  
 Research and Development Laboratories  
 Trading Stamp Services  
 Travel Agencies  
 Vehicular and Equipment Rental and Leasing Services

13. General Personal Service

Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel, unless otherwise permitted herein.

Catering Services  
 Laundry, Cleaning, and Garment Services  
 Miscellaneous Personnel Services  
 Clothing Rental Agencies  
     Health Spas

Photographic Studios  
Shoe Repair and Hat Cleaning Shops  
Special Training and Schooling Services  
    Art and Music Schools  
    Barber and Beauty Schools  
    Business Schools  
    Dancing Schools/Exercise Studios  
    Driving Schools

14. General Retail Trade

Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services, but excluding goods and services listed in the other classifications herein.

Antique and Second Hand Merchandise Stores  
Automotive Parts (No exterior storage)  
Book and Stationery Stores  
Camera Stores  
Candy, nut and Confectionary Stores  
Children's and Infant's Stores  
Dairy Products Stores  
Department Stores  
Drapery, Curtain, and upholstery Stores  
Drug Stores and Proprietary Stores  
Family Clothing Stores  
Floor Covering Stores  
Florists  
Fruit Stores and Vegetable Markets  
Furniture Stores  
Furriers and Fur Shops  
Gift Shops  
Grocery Stores  
Hardware Stores  
Hobby, Toy, and Game Stores  
Household Appliance Stores  
Jewelry Stores  
Liquor Stores  
Luggage Shops  
Meat and Seafood Markets  
Men's and Boy's Clothing and Furnishing Stores

Miscellaneous Apparel and Accessory Stores  
 Bathing Suit Stores  
 Custom Tailors  
 Sports Apparel Stores  
 Uniform Stores  
 Miscellaneous General Merchandise Stores  
 Direct Selling Organizations  
 Mail Order Houses  
 Miscellaneous Home Furnishings Stores  
 Bedding and Linen Stores  
 Cookware Stores  
 Cutlery Stores  
 Glassware and China Shops  
 Lamp and Shade Shops  
 Paint and Wallpaper Stores  
 Music Stores  
 News Stands  
 Radio and Television Stores  
 Retail Bakeries  
 Sewing and Piece Goods Stores  
 Shoe Stores  
 Sporting Goods Stores  
 Tobacco Shops  
 Variety Stores  
 Women's Accessory and Specialty Stores  
 Women's Ready-to-Wear Store

15. Group Assembly

Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (five hundred (500) or more) or that have a substantial potential impact upon adjoining property.

Amusement Parks  
 Commercial Camp Grounds  
 Commercial Resorts  
 Commercial Sports Arenas and Playing Fields  
 Drag Strips  
 Race Tracts (Auto, Motorcycle, Dog, and Horse)

16. Medical and Professional Services

Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals, the service of which is provided in an office environment.

Accounting, Auditing, and Bookkeeping Services

Artist Studios (Excluding Commercial Artists)

Attorneys and Law Offices

Chiropractor Offices

Consulting Scientists

Dental Offices and Laboratories

Educational and Scientific Research Services

Engineering and Architectural Services

Optometrists

Physicians' Offices and Clinics (Out Patient Services)

Physiologists and Psychotherapists

Songwriters and Music Arrangers

Urban Planning Services

Writers and Lecturers

17. Transient Habitation

Includes the provision of lodging services to transient guests, having at least seventy (70) percent of its accommodation available on a less-than-weekly basis, other than those classified as residential activities.

Hotels

Motels

Tourist Courts

18. Transport and Warehousing

Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

Bus and Truck Maintenance and Repair

Food Lockers

General Warehousing

Household Goods Storage

Mini-Warehouses

Packing and Creating Services  
Railroad, Bus and Transient Terminals  
Refrigerated Warehousing  
Truck Terminals Freight Handling Services

19. Undertaking Services

Include the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Funeral and Crematory Services

20. Vehicular, Craft, and Related Equipment

Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

Boat and Motor Dealers  
Mobile Home Dealers  
Motor Vehicle Dealers  
Motorcycle Dealers  
Recreational Vehicle and Utility Trailer Dealers

21. Wholesale Sales

Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

Apparel, Piece Goods, and Notions  
Beer, Wine and Distilled Alcoholic Beverages  
Chemicals and Allied Products  
Drugs, Drug Proprietaries, and Sundries  
Electrical Goods and Appliances  
Farm Products Raw Materials  
Farm Supplies  
Furniture and Home Furnishings  
Groceries and Related Products  
Hardware, Plumbing, and Heating Equipment and Supplies  
Lumber and Other Construction Materials  
Machinery, Equipment, and Supplies  
Metals and Minerals

Motor Vehicles and Automotive Parts and Supplies  
 Paper and Paper Products  
 Petroleum and Petroleum Products  
 Sporting, Recreational, Photographic, and Hobby Goods  
 Tobacco and Tobacco Products  
 Toys and Supplies

F. Manufacturing Activities

Manufacturing activities include the onsite production of goods by methods other than agricultural or extractive in nature.

1. Limited Manufacturing Activities

Include the following operations:

- a. The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and Accessories  
 Art Objects  
 Bakery Goods  
 Beverages (Nonalcoholic)  
 Dairy Products  
 Instruments for Scientific, Medical, Dental  
 Engineering, and Other Professional Purposes  
 Optical Instruments and Lens  
 Printed Matter  
 Signs

- b. Activities and operations which include the following:

Book Binding  
 Data Processing Service  
 Photocopying  
 Photoengraving  
 Precision Machining of Dies, Jigs, and Fixtures  
 Printing  
 Publishing  
 Record Pressing  
 Upholstering  
 Welding

2. Intermediate Manufacturing Activities

Include the following:

- a. The manufacture, compounding, processing, assembling, packaging, treatment or fabrication of products, except for the following:

Cotton Seed Oil  
Explosives  
Fireworks  
Organic Fertilizers

- b. Other activities and operations, except for the following:

Abrasive, Asbestos, and Nonmetallic Mineral Processing  
Arsenals  
Asphaltic Cement Plants  
Atomic Reactors  
Automobile Wrecking Yards, Scrap and Waste Materials  
Cement and/or Concrete Plants  
Chemical Manufacturing in Excess of One (1) Ton Per Day  
Cotton Ginning  
Fat Rendering  
Foundries  
Grain Milling  
Junk Yards  
Offal Processing  
Ore Reduction  
Paper Mills  
Petroleum Refining  
Pulp Manufacturing  
Radioactive Materials Waste Handling  
Rolling and Finishing of Ferrous Materials  
Slaughtering of Animals  
Smelting and Refining of Metals and Alloys  
Steel Works (other than those listed)  
Tanning  
Waste Disposal by Compacting or Incineration,  
as a Principal Use

3. Extensive Manufacturing Activities

Include all intermediate manufacturing activities (described above) and the exceptions listed above, except as follows:

Arsenals  
Atomic Reactors  
Explosives Manufacturing and Storage  
Fireworks Manufacturing  
Hazardous Wastes Storage and/or Transfer  
Radioactive Waste Handling  
Solid Waste Landfills  
Solid Waste Processing and Recycling  
Waste Incinerators, Including Hospital and Medical Waste

The above exceptions may be defined to be included within the Extensive Manufacturing Classification only after proper review by the Board of Appeals.

G. Agricultural, Resources Production, and Extractive Activities

1. Agricultural Services

Include Various activities designed to provide needed services for agricultural uses and are appropriately located in close proximity thereto:

Crop Drying, Storage, and Processing  
Crop Planting, Cultivating, and Protection Services  
Horticultural Services  
Soil Preparation Services  
Riding Stables  
Livery Stables

2. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

3. Crop and Animal Raising

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing,

or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

Dairies  
Farms  
Raising of Plants, Animals, and Fish  
Truck Gardens

4. Mining, Drilling and Quarrying

Includes drilling operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other nonmetallic minerals.

Chemical Fertilizer and Nonmetallic Mineral Mining  
Clay, Ceramic, and Refractory Minerals  
Coal Mining  
Crude Petroleum and Natural Gas Production  
Metal Ore and Mineral Mining  
Sand and Gravel Quarrying  
Stone Quarrying

5. Plant and Forest Nurseries

Includes the cultivation for sale of horticultural, specialties, such as followers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

Forest Nursery  
Plant Nursery

(Ord. #789, June 1993, as amended by Ord. #1124, Dec. 2013)

**ARTICLE III**

**GENERAL PROVISIONS**

**SECTION**

- 3.010 Scope
- 3.020 Only One (1) Principal Structure on Any Residential Lot
- 3.030 Lot Must Abut a Public Street
- 3.040 Reduction in Lot Area Prohibited
- 3.050 Rear Yard Abutting a Public Street
- 3.060 Corner Lots
- 3.070 Future Street Line
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strips
- 3.120 Zero Lot Line Provisions

**3.010 SCOPE**

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. (Ord. #789, June 1993)

**3.020 ONLY ONE (1) PRINCIPAL STRUCTURE ON ANY RESIDENTIAL LOT**

Only one (1) principal structure and its accessory structures may hereafter be erected on any lot. This provision does not prohibit planned development complexes as permitted under Subsection 5.091, of this ordinance, multi-family dwellings or mobile home parks. (Ord. #789, June 1993)

**3.030 LOT MUST ABUT A PUBLIC STREET**

No building shall be erected on a lot which does not abut at least one (1) publicly maintained street for at least fifty (50) feet. This section shall not apply to residential properties in a residential district abutting a cul-de-sac, which shall abut a public street at least forty (40) feet. (Ord. #789, June 1993)

**3.040 REDUCTION IN LOT AREA PROHIBITED**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or

other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure. (Ord. #789, June 1993)

### **3.050 REAR YARD ABUTTING A PUBLIC STREET**

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (Ord. #789, June 1993)

### **3.060 CORNER LOTS**

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. (Ord. #789, June 1993)

### **3.070 FUTURE STREET LINE**

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Lawrenceburg Mayor Thoroughfare Plan. (Ord. #789, June 1993)

### **3.080. OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED**

In all districts on a corner lot within the area formed by the center lines of intersecting street and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 ½) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining walls. (Ord. #789, June 1993)

**3.090 ACCESS CONTROL**

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet, but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective street frontage.

All points of access shall be so constructed as to provide for proper drainage.

- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty (20) feet of the curb line (or road line when there is no curb) of a public intersection.
- D. No curbs on city streets or rights-of-way shall be cut or altered without approval of the Lawrenceburg City Street Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (Ord. #789, June 1993)

**3.100 ACCESSORY USE REGULATIONS**

The use of land, buildings, and other structures permitted in each of the districts established by this zoning ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. An accessory use or structure on any residential lot shall not exceed forty (40) percent of the total square footage of the principal structure on such lot, not to exceed six hundred (600) feet in size. If freestanding, it shall be located in the rear yard in relation to the principal structure on any zone lot. (Ord. #789, June 1993)

**3.110 BUFFER STRIPS**

Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer of said use shall provide a landscaped buffer strip of no less than ten (10) feet in width at the point of abatement. The buffer strip shall be no less than ten (10) feet.

Furthermore, there shall be installed around the rear of all drive-in restaurants, a four (4) foot fence designed to catch all litter or trash generated on the site, unless specific conditions deem otherwise as determined in a hearing by the Board of Zoning Appeals. (Ord. #789, June 1993)

**3.120 ZERO LOT LINE PROVISIONS**

On appeal to the Board of Zoning Appeals zero side lot line setbacks will be allowed a "Special Exception" subject to the following provisions:

- A. All lots must have the minimum required lot width at the building setback for the zoning district.

- B. Any lot proposed for zero lot line provisions must have a revised plat approved that includes the revised setbacks and easements.
- C. If proposed or existing buildings are to be connected by a common wall, the building must meet all building and fire codes for the type of structure.
- D. In the event that the buildings are not connected, there must be a minimum of five (5) feet between the buildings and both buildings must meet building and fire codes for type of structure.
- E. All lots being considered for zero lot line development are required to have a five (5) foot construction and maintenance easement on each side of the lot line.
- F. The side yard setback shall be increased by fifty (50) percent for all lots containing an open side yard.
- G. All other provisions of the zoning ordinance must be met.
- H. All commercial, industrial or multi-family use requesting this "Special Exception" must have site plan in compliance with Section 7.030, approved by the Planning Commission prior to consideration by the Board of Appeals.
- I. No more than the ten (10) individual lots or structures shall be connected on a single unbroken frontage. (Ord. #939, June 2001)

**ARTICLE IV**

**SUPPLEMENTARY PROVISIONS  
APPLYING TO SPECIFIC DISTRICTS**

**SECTION**

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Swimming Pool Restrictions
- 4.070 Development Standards for Multi-Family Dwellings
- 4.080 Standards for Signs, Billboards, and Other Advertising Structures
- 4.090 Development Standards for Mobile Home Parks
- 4.100 Alternative Provisions for Lot Size and the Location of Open Space
- 4.110 Development Standards for Automobile Wrecking, Junk and Salvage Yards
- 4.120 Development Standards for Cemeteries

**4.010 OFF-STREET PARKING REQUIREMENTS**

In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half (½) or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Planning Commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (nine feet by eighteen feet (9' x 18')) and such space shall be provided on each lot upon which

any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

A. Residential Activities

1. Permanent

a. Single-Family Detached and Attached; Two-Family Dwellings, Detached, Attached, Semi-Detached; Three-Family Dwellings, Detached, Attached, and Semi-Detached

Two (2) per each dwelling unit.

b. Multi-Family Dwelling (3 or more); Townhouses; Condominiums

c. Mobile Homes

Two (2) spaces per mobile home

d. Where Occupancy is to be Primarily Elderly Persons over the Age of Sixty (60)

The number of developed spaces may be reduced to one and one-half (1 ½) spaces per unit.

2. Semi-Permanent

a. Boarding or Rooming House

One and one-half (1 ½) spaces for each dwelling or rooming unit.

B. Community Facility Activities

1. Cultural and Recreational Services

Accessory off-street parking shall be provided for the specific number of square feet of gross area or seating capacity or other specified unit of measurement (or fraction or one-half (½) or more thereof) for the type following specified uses within the activity types indicated.

a. Art Galleries, Museums, Libraries

One (1) space for each eight hundred (800) square feet of gross floor area.

b. Swimming Pools

Thirty (30) percent of capacity in persons.

c. Parks, Playgrounds and Athletic Fields

Ten (10) spaces for every acre of land devoted to field, plus one (1) space for every four (4) spectator seats.

d. Recreation Centers and Gymnasiums (Public/Nonprofit)

Fifty (50) percent of the capacity in persons.

2. Essential Public Transport, Communication, and Utility Services

a. Electric and Gas Substations

Two (2) spaces.

3. Administrative Services; Government Office

One (1) space for each three hundred (300) square feet of gross floor area.

4. Community Assembly

Fifty (50) percent of the capacity in persons.

5. Education Facilities; Public and Private Schools
  - a. Kindergarten and Nursery

One (1) space for each employee.
  - b. Elementary and Middle Schools, Grades 1-9

One (1) space per each employee or one (1) space per each five (5) seats in the auditorium, whichever is greater.
  - c. High School, Grades 7-12

One (1) space per each employee or one (1) space for each four (4) students in grades 7 through 10. One (1) space per each employee plus one (1) space per each two (2) students in grades 11 and 12.
  - d. Vocational or Trade Schools

One (1) space for each student plus one (1) space for each employee.
6. Extensive Impact Facilities
  - a. Airports, Heliports, or other Aeronautical Devices

One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area.
  - b. Detention or Correctional Institutions

One (1) space for each employee, plus one (1) space for each patrol car on largest shift.
  - c. Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities

Minimum of two (2) spaces. The planning Commission may require more.

d. Railroad, Bus, and Transit Terminals for Passengers

One (1) space for each one hundred (100) square feet of waiting room.

e. Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards

One (1) space for each employee.

f. Water and Sewage Treatment Plants

One (1) space for each employee.

7. Health Care Facilities

a. Hospitals

One and one-half (1 ½) spaces for each bed.

b. Medical or Dental Clinics

Three (3) spaces for each staff member or doctor or dentist.

8. Intermediate Impact Facilities

The number of required parking spaces will be determined by the Planning Commission, based on a site plan review.

9. Special Personal and Group Care Facilities

a. Day Care Centers and Family Day Care Homes

Two (2) spaces for each employee.

b. Family and Group Care Facilities

Two (2) spaces for every employee.

c. Nursing Homes or Convalescent Homes

One (1) space for each staff or employee, plus (1) space for each two (2) patients.

d. Retirement or Rest Homes

One (1) space for each staff member or employee plus, one (1) space for each two (2) residents.

10. Religious Facilities.

**All Uses:** One (1) space for each three (3) seats.

C. Commercial Activities

USES LOCATED ON FREESTANDING SITES

One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250 in the column labeled GROSS FLOOR AREA, this means, one (1) parking space is required for every two hundred-fifty (250) square feet of gross floor area in the building, or rooms to be used for each activity.

<b>Activity-Type</b>	<b>Gross Floor Area (Square Feet)</b>
1. <u>Retail Trade-Apparel and Accessories</u>	150
2. <u>Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental and Delivery</u>	Twenty-five (25) percent of the gross lot area shall be allocated to customer and employee parking spaces.
3. <u>Retail-Building Materials, Farm Equipment and Hardware</u>	1,000 Plus one (1) space for each employee.
4. <u>Retail Trade - Eating and Drinking Establishments</u>	100
5. <u>Retail Trade - Food Stores</u>	
a. Limited line convenience.	150

<b>Activity-Type</b>	<b>Gross Floor Area (Square Feet)</b>
b. All other uses	150
6. <u>Retail Trade - General Merchandise</u>	
a. Department store	250
b. Variety store	250
c. Miscellaneous General Merchandise Store	250
7. <u>Retail Trade - Home Furniture, Furnishings and Equipment</u>	250
8. <u>Convenience Sales</u>	150
9. <u>Wholesale Sales</u> (All uses)	1,000
10. <u>Used Car Lots</u>	Twenty-five (25) percent of the gross lot area shall be devoted to customer parking spaces, all of which shall be off public right-of-ways.
<b><u>Service Activities</u></b>	
1. <u>Animal Care and Veterinarian Services; Veterinary Hospital</u>	300
2. Automobile Services and Repair	One (1) space for each employee, plus two (2) spaces for each service bay.
3. <u>Business Services</u> (All Uses)	400 Plus one (1) space for each employee.
4. <u>Communication Services</u>	300
5. <u>Contract Construction Services</u>	300
6. <u>Equipment Repair Services</u>	300
7. <u>Entertainment and Amusement</u>	
a. Art Galleries	800

<b>Activity-Type</b>	<b>Gross Floor Area (Square Feet)</b>
b. Bowling Alleys	Five (5) spaces for each alley.
c. Billiard Parlor	250
d. Coin Operated Arcades	250
e. Commercial Recreation	
Dance Halls and Skating Rink	100
Golf Courses, Driving Range, Putt-Putt Course	As determined by Planning Commission
Exhibitions Halls, Auditoriums, Amphitheaters	Forty (40) percent of capacity in persons.
Riding Stables	Minimum of five (5) spaces plus one (1) for each employee.
Boat Docks, Boat Rental, Marinas Botanical or Zoological Gardens	One (1) space for each employee plus other spaces as determined by Planning Commission
f. Motion Picture Theater	One (1) space for each three (4) seats.
g. Motion Picture Theater- Drive-In	Reservoir of ten (10) percent above all spaces plus one (1) space for each employee.
h. Acting and Legitimate Dance Theater	One (1) space for each three (3) seats.
i. Recording, Television, and Radio Studios	Two (2) spaces for each employee.
j. Resorts and Group Camps	One (1) space for each employee at peak season plus other spaces as required by Planning Commission.
k. Fairgrounds, Amusement Parks, Carnivals, Circuses	Parking plan must be presented to and approved by the Planning Commission.

<b>Activity-Type</b>	<b>Gross Floor Area (Square Feet)</b>
8. <u>Finance, Insurance and Real Estate Services</u>  (All Uses)	200 Plus one (1) space per each employee.
9. <u>Gasoline Service Station</u>	500 Plus two (2) spaces for each service bay and one (1) for each employee.
10. <u>Personal Services</u>	
a. Funeral, Undertaking Services	One (1) space for each one hundred (100) square feet of gross floor area or where a chapel is provided, one (1) space for each four (4) perma-seats plus one (1) for every twenty-five (25) square feet of parlor area where temporary seats are to be used.
b. All Other Services	150
11. <u>Professional Services</u>	
a. Medical	Three (3) spaces per each employee.
b. All Other	250
12. <u>Transient Habitation</u>	
a. Hotel, Motels, Tourist Homes or Courts	One (1) space for each room to be rented, plus one (1) space for each employee.
b. Sporting and Recreational Vehicle Camps	One (1) space for each travel vehicle or pad plus one (1) space per each employee.

<b>Activity-Type</b>	<b>Gross Floor Area (Square Feet)</b>
13. <u>Uses Within Commercial Complexes</u>	Where three or more commercial operations (retail, wholesale, or service activities) are grouped together such that they are a building or a common site, the number of parking spaces shall be five and one-half (5 ½) spaces per one thousand (1,000) square feet of gross leasable area.
D. <u>Industrial Activities</u>	One (1) space for each one thousand (1,000) square feet of gross floor area, or one (1) space per each employee during a single or two (2) successive shifts, whichever is greater. A minimum of five (5) spaces shall be provided for any establishment.
1. <u>Warehousing, Foods or Freight Transport, and Storage</u>	One (1) space for each five thousand (5,000) square feet of gross floor area plus one (1) space for each ten thousand (10,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.
2. <u>Manufacturing: Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards</u>	One (1) space for each one thousand (1,000) square feet of gross floor area.
E. <u>Other</u>	For buildings and land uses not referred to in the preceded activity classifications and specifically listed in the corresponding use classification listings cited within Section 2.030, the off-street parking requirements shall be determined by the Board of Zoning Appeals. (Ord. #789, June 1993)

#### **4.011 Certification of Minimum Parking Requirements**

Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient

detail to enable the Building Inspector to determine whether or not the requirements of this section are met. (Ord. #789, June 1993)

**4.012 Combination of Required Parking Spaces**

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays. (Ord. #789, June 1993)

**4.013 Remote Parking Spaces**

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use. (Ord. #789, June 1993)

**4.014 Extension of Parking Area into a Residential District**

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

1. The parking area adjoins a commercial or industrial district.
2. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
3. The parking area is separated from abutting properties in the residential districts by a twenty-five (25) foot buffer strip. (Ord. #789, June 1993)

**4.015 Requirements for Design of Parking Lots**

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so

designed and be of such size that no vehicle is required to back into a public street to obtain egress.

2. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
3. Entrances and exits for all off-street in such comply with the requirements of Section 3.090, of this ordinance.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
5. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and sixty (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.
6. All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. All parking spaces shall be clearly marked.
7. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve. (Ord. #789, June 1993, as amended by Ord. #1108, January 2013)

**4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area for Principal Building	Spaces Required (See Article II, for Definition)
0 to 9,999 square feet	One (1) space

10,000 to 14,999 square feet	Two (2) spaces
15,000 to 19,999 square feet	Three (3) spaces
Over 20,000 square feet	Four (4) spaces, plus one (1) space for cash additional 20,000 square feet

Off-street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 square feet	One (1) space
Over 40,000 square feet to 100,000 square feet	Two (2) spaces
Each additional 100,000 square feet or major fraction thereof	One (1) space

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration. (Ord. #789, June 1993)

**4.030 TEMPORARY USE REGULATIONS**

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, to determine yard requirements setbacks, sanitary facilities, and parking space for the proposed temporary use. The following use are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.

A. Carnival or Circus

May obtain a Temporary Use Permit in the C-2, C-3, I-1, I-2, or F-1 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

B. Limited Duration Goods and Seasonal Merchandise

May obtain a thirty (30) day Temporary Use Permit for the display and sale of limited duration goods and seasonal merchandise not sold throughout the year on open lots in any district.

C. Temporary Buildings

In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales in any new subdivision which has been approved by the Planning Office Commission under the Lawrenceburg Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

E. Religious Tent Meeting

In any district, except the IB, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

F. Temporary Dwelling Units in Case of Medical Hardships

In any district, a Temporary Use Permit may be issued to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due

to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Lawrence County Health Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

G. Temporary Dwelling Unit in Cases of Other Special Services

In any residential district, a Temporary Use Permit may be issued to place a mobile home temporarily on a lot in which already contains a residential structure where the Lawrenceburg Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Lawrence County Health Department approving the sewage disposal system of the temporary structure. Such a permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total time for all permits not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessory building.

I. Temporary Manufacture of Road Materials

In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Lawrenceburg Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months. (Ord. #789, June 1993)

**4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS**

A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Only one (1) person other than members of the household shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. This section classifies all home occupations as "Minor Home Occupations" or "Major Home Occupations," all other uses that are not considered under one of these classifications are prohibited under these regulations.

A. Minor Home Occupations

A minor home occupation is a limited activity conducted on premises to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain special exception permits from the Board of Zoning Appeals.

B. Major Home Occupations

Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have their use approved by the Board of Appeals prior to engaging in the activity. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Board of Appeals would meet the criteria of a major home occupation. (Ord. #789, June 1993)

**4.050 GASOLINE SERVICE STATION RESTRICTIONS**

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
- C. Sign requirements as established in Article IV, Section 4.080, shall be met. (Ord. #789, June 1993)

**4.060 SWIMMING POOL RESTRICTIONS**

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, including aprons, walks, shall protrude into any required front yard in any residential districts.
- B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.
- C. Private swimming pools are permitted in residential, and commercial districts provided that the pool is intended, and is to

be used solely for the enjoyment of the occupants and their guests of the property on which it is located. (Ord. #789, June 1993)

#### **4.070 DEVELOPMENT STANDARDS FOR MULTI-FAMILY DWELLINGS**

The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan required for all such developments by Section 7.030. (Ord. #789, June 1993)

##### **4.071 Development Standards**

###### **1. General Standards**

It is the intent that multi-family dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing;
- b. Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and
- c. Shall constitute groupings making efficient economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

###### **2. Detailed Standards**

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of thirty (30) feet shall be maintained between buildings.

- b. Street sidewalks and onsite walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.
- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
- g. Well equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h. All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Lawrenceburg Subdivision Regulations.
- i. The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.

- j. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view. (Ord. #789, June 1993)

#### **4.072 Access and Parking Requirements**

##### 1. Access

- a. Each site developed for multi-family dwellings shall meet the requirements for access set forth in Sections 3.030 and 3.090, of this ordinance.
- b. Access and circulation shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection.

##### 2. Parking

- a. Parking spaces shall be provided in accordance with Section 4.010, of this ordinance.
- b. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls. (Ord. #789, June 1993)

#### **4.073 Open Space Requirements**

Any common open space established within a multi-family dwelling development shall be subject to the following:

##### 1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development

considering its size, density, expected population, topography and other factors.

- b. No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.
- c. Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

## 2. Maintenance of Open Space

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall be included but not limited to the following:

- a. The maintenance organization must be established and operational before any unit is sold.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.

- e. Home owners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

3. Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes. (Ord. #789, June 1993)

**4.080 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES**

**4.081 Intent and Objectives**

1. Statement of Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- a. protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;
- b. assure proper exposure of signs to their intended viewers;
- c. protect the right of individuals to privacy and freedom from nuisances;
- d. protect the value of property and improvements thereon;
- e. permit signs that are constructed and maintained in a safe condition;
- f. assure that signs are constructed and maintained in a safe condition;
- g. encourage design that enhances the readability and effectiveness of signs;
- h. prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- i. reduce traffic hazards;
- j. eliminate obsolete signs;
- k. provide an efficient and effective means of administration and enforcement.

2. Scope

Except for signs that are prohibited in all districts in Subsection 4.084, 4, herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business

operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of these regulations. (Ord. #789, June 1993)

#### **4.082 Supplementary Definitions**

The following definitions are to be used for interpreting the provisions of this article only. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in Article III, of this ordinance.

**Awning**: Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

**Awning Sign**: A sign placed directly on the surface of an awning.

**Banner**: A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

**Billboard**: See off-premises sign.

**Bulletin Board Sign**: A particular type of changeable copy sign that displays copy in a casement made of glass or plexiglass.

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

**Canopy Sign**: A sign attached to a canopy.

**Copy**: The characters, letters, or illustrations displayed on a sign face.

**Frontage, Building**: The length of a building that faces a street, parking area, or private drive.

**Illegal Sign**: A sign that was constructed in violation of regulations that existed at the time it was built.

**Marquee**: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

**Marquee Sign**: A sign attached to and made part of a marquee or any other similar projection from a building.

**Nonconforming Sign:** A sign that met all legal requirements when constructed, but that is not in compliance with these regulations. An illegal sign is not a nonconforming sign.

**Off-Premises Sign:** Any sign which is not located on the premises that it identifies or advertises.

**Sign:** Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- (a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (b) is used to announce, direct attention to, or advertise; and
- (c) is visible from outside a building.

**Sign, Abandoned:** Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

**Sign, Accessory:** Any sign that directs attention to a person, activity, or commodity on the same zone lot.

**Sign, Advertising:** A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than fifteen (15) square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign provided the establishment offering the product is not associated with the brand or trade name of the product being advertised.

**Sign, Animated:** A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

**Sign, Banner:** A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

**Sign, Building Mounted:** Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

**Sign, Business:** A type of accessory sign that identifies or provides related information about commercial and manufacturing activity types.

**Sign, Changeable Copy:** A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

**Sign, Civic:** A type of accessory sign that identifies or provides related information about community facility activity types.

**Sign, Development:** A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

**Sign, Direct Illumination:** All illuminated signs not included in the definition of "Sign," "Luminous Background" or "Sign," "Indirect Illumination."

**Sign, Directional:** Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size nor thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

**Sign, Directory:** A sign which lists the names of individuals, businesses, or products available at a single site.

**Sign, Expressive:** Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, and expressive sign may be an incidental, temporary, or permanent advertising sign.

**Sign, Flashing:** Shall be construed to be any sign that flashes or blinks or appears to flash or blink.

**Sign, Freestanding:** Any sign that is not attached to or supported by any building or other structure that has a purpose other than solely to

support the sign and any sign attached to any upright pole or supports when such sign is wider than said pole or support.

**Sign, Ground:** A sign permanently affixed to the ground by a foundation pedestal or other structure, such foundation, pedestal, or other structure being greater than three (3) feet in width or twelve (12) inches in diameter and not attached to any building.

**Sign, Handtacked:** A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

**Sign, Illuminated:** A sign designed to give forth any artificial light or reflect such light from an artificial source.

**Sign, Incidental:** An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than three (3) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger," "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs smaller than three (3) square feet.

**Sign, Indirect Illumination:** Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

**Sign, Large Residential:** A type of accessory sign larger than three (3) square feet that indicates the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned development that contains more than twelve (12) dwelling units.

**Sign, Luminous Background:** A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

**Sign, Monument:** A freestanding sign with a base affixed to the ground which measures at least two-thirds (2/3) the horizontal length of the sign.

**Sign, Permanent:** Any permitted sign which is not restricted as to the duration of time it can be displayed.

**Sign, Pole:** A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

**Sign, Portable:** Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

**Sign, Projecting:** Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

**Sign, Realty:** A type of incidental sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon which is no larger than nine (9) square feet.

**Sign, Roof:** Any sign attached to or mounted on any surface defined as a roof.

**Sign, Structure:** A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

**Sign, Temporary:** Any sign that has a specific limitation in the amount of time that it can be displayed. Expressive signs with between three (3) and fifteen (15) square feet of display surface area shall be treated as temporary signs.

**Sign, Wall:** A type of building mounted sign (a) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (b) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (c) in which the sign face is parallel to the plane of the surface to which it is attached. (Ord. #789, June 1993)

**4.083 Exempt Signs and Temporary Signs**1. Exempt Signs

The following are exempt from the provisions of this article or from the requirement to obtain a sign permit.

- a. Address and Name of Resident: Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- b. Artwork: Works of art that do not include any commercial messages or references.
- c. Construction Signs: Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- d. Decals: Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.
- e. Directional Signs: Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five (5) feet to any property line. Directional signs may be internally lit or illuminated by white light only.
- f. Flags, Emblems, Insignia, and Banners: Of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, insignia, and barriers shall be limited to one (1) per zoning lot and shall not exceed forty (40) square feet in area.

- g. Handicapped Parking Space Sign: Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- h. Home Occupations Signs: On-premise identification signs for home occupations shall not exceed four (4) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.
- i. Public Signs: Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the City Commission or under the direction of the Commission.
- k. Seasonal Signs: Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
- l. Security and Warning Signs: On-premise signs regulating the use of the premises, such as "no trespassing," "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.
- m. Temporary Political Signs: On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs shall not exceed sixteen (16) square feet and are permitted in addition to any other signs permitted by this ordinance. These signs shall be removed within seven (7) days after the election or political event.
- n. Temporary Real Estate Signs: Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one (1) per property not exceeding six (6) feet in height and not exceeding sixteen (16) square feet in area in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.
- o. Auction Signs: Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5)

signs per event and shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.

2. Temporary Signs Requiring a Sign Permit

The following signs may be erected only after obtaining a temporary sign permit from the enforcing officer. The permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the Administrator may remove it and charge the costs of removal to the individual or enterprise responsible.

- a. Special Event Signs: Signs announcing special events including, but not limited to grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two (2) temporary signs including portable signs, twice during the calendar year for a period not to exceed thirty (30) days.

Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public, and shall be removed immediately following the event.

- b. Temporary Farm Product Signs: Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed thirty-two (32) square feet, nor shall any sign exceed six (6) feet in height.
- c. Construction Signs: Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding thirty-two (32) square feet in area and eight (8) feet on height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for

the building is issued, whichever occurs first. (Ord. #789, June 1993)

#### **4.084 General Provisions**

##### **1. General Standards**

- a. No sign except for those specified in Subsection 4.083, 1, shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.
- b. No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- c. No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- d. On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one half (2 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.
- e. No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.
- f. No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- g. No sign shall obstruct any doorway, window, or fire escape.
- h. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
- i. All pole and monument signs shall be limited to no more than eight (8) items of information.

## 2. Surface Area Display Standards

- a. The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.
- b. On signs in which the copy together with the background are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
- c. On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.
- d. When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.
- e. In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.
- f. On a corner lot, a permitted sign may be located along each street frontage.

## 3. Height of Signs

The following general rules shall apply in the determination of the height of signs.

- a. The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports of the base of any sign directly attached to the ground.

- b. The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

4. Signs Prohibited in All Districts

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

- a. Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this ordinance;
- b. Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;
- c. Signs which are made structurally sound by guy wires or unsightly bracing;
- d. Signs which contain any kind of strobe or pulsating lights;
- e. Banner signs that over hang any public right-of-way;
- f. Any sign with direct illumination provided by exposed bulbs or lamps;
- g. Off-premise signs, except as permitted in Subsection 4.086, 2, a;
- h. Flashing signs;
- i. Handtacked signs, on utility poles, fence posts and trees;
- j. Portable signs, except as permitted in Subsection 4.083, 2, a;
- k. Roof signs. (Ord. #789, June 1993)

**4.085 Signs Permitted in Residential Districts**

Withing the residential districts, the following signs are permitted subject to the provisions as set forth herein.

**1. Community Facility Activities**

- a. A community facility activity may have one (1) civic sign constructed as a monument sign or a wall sign.
- b. A monument sign shall not exceed four (4) feet in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- c. A wall sign shall not exceed fifty (50) square feet in size.
- d. Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.
- e. Civic signs shall be set back from the street right-of-way and property lines, a minimum of eight (8) feet.

**2. Development Signs**

- a. A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the planning commission, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be either a pole or ground sign.
- b. A development sign shall not exceed three hundred (300) square feet in size nor fifteen (15) feet in height.
- c. A development sign shall not be lighted.
- d. Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

3. Large Residential Signs

- a. Subdivision identification signs may be permitted at the main entrances to a subdivision.
- b. Each subdivision is allowed a maximum of two (2) identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.
- c. All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
- d. A subdivision identification sign shall not exceed twenty-five (25) square feet in size.
- e. The maximum height of such signs shall be four (4) feet when constructed as a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood agricultural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- f. All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.
- g. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure. (Ord. #789, June 1993)

**4.086 Permitted Signs in Commercial and Industrial Districts**<sup>1</sup>

Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

1. Commercial District Signs

Within the C-1, C-3, C-4, and C-5 Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted and shall be either wall or projecting signs, except as set forth in Subsections d, e, and f, below. All other sign types are prohibited.
- b. A use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
  - (1) Such sign shall not exceed eighty (80) square feet in display surface area.
  - (2) Such sign shall not project into the public right-of-way more than six (6) feet provided that in no case shall such sign be closer than two (2) feet from the curb or edge of pavement of the travelway, (C-1 Districts only).
  - (3) Such sign shall not exceed thirty (30) feet in height measured from the bottom of the sign provided that

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<sup>1</sup>Ord. #911 which provided amendments to this section also provides:

Additional signage may be permitted on the building(s) within the complex and shall be wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the wall of the building upon which it is located and be architecturally compatible. The display area of such signage shall not exceed fifteen (15) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant entitled to an equal share of the display surface area.

The ordinance did not specify the placement of these provisions in the section.

in no case shall such sign extend above the roof line of the building to which it is attached.

- (4) Such sign shall clear the established grade by a minimum of ten (10) feet.
- (5) Such sign shall be no closer than twenty (20) feet to any other projecting sign.
- (6) The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.

c. Wall signs are permitted subject to the following standards:

- (1) All signs are limited to fifteen (15) percent of the wall surface area below the roof line of the building.
- (2) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
- (3) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.
- (4) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.
- (5) Such sign shall not cover or interrupt major architectural features of the building.
- (6) If a use utilizes both wall and projecting signs, the total display surface area shall not exceed eighty (80) square feet.

- (7) The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
- d. If a use on a lot is set back from the public right-of-way a minimum of thirty (30) feet and has off-street parking, then such use may utilize one (1) ground or pole sign subject to the following standards. All other signs on the same lot shall be wall signs.
- (1) Such sign shall not exceed a maximum of one hundred (100) feet on any single sign or two hundred (200) feet for lots with more than one street frontage.
  - (2) The maximum height of a pole sign shall be thirty (30) feet and of a ground sign four (4) feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
  - (3) The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.
  - (4) Signs shall be setback from the public right-of-way to meet the following standards:
 

a.	Signs with 100 square feet or less	8 feet
b.	Signs exceeding 100 square feet	16 feet
- e. A commercial complex of two (2) or more acres, which is set back from the right-of-way a minimum of thirty (30) feet and has off-street parking may utilize the following provisions:
- (1) A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of two hundred fifty (250) feet in length, one (1) additional such sign shall be

permitted. The maximum size of each such sign shall be a ratio of  $\frac{1}{2}$  to 1 of square footage of sign area to the length of the street frontage or the front facade of the building, whichever is greater, with a maximum sign area of one hundred fifty (150) square feet. Such sign shall not exceed thirty (30) feet in height or the height of the building, whichever is less, if a pole sign; or four (4) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

- (2) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed five (5) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.
- (3) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1), above.
- (4) A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed ten (10) square feet and the maximum height shall be six (6) feet.

f. Signs may be illuminated subject to the following standards:

- (1) Exposed bulbs or luminous tubes are prohibited.
- (2) No sign shall change color or intensity.
- (3) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential or agricultural.
- (4) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

2. Highway Commercial and Industrial District Signs

Within the C-2, 1-1 and 1-2, Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted as follows:
  - (1) Each land use is permitted to have one (1) ground or pole sign for each street frontage. The maximum display area for each sign is limited to two hundred (200) square feet per sign. The maximum display area for all signs on the same lot is limited to three hundred (300) square feet.
  - (2) The maximum height shall be thirty (30) feet for a pole sign and four (4) feet for a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
  - (3) Signs shall be setback from the public right-of-way to meet the following standards:
    - a. Signs with 100 square feet or less      8 feet
    - b. Signs exceeding 100 square feet      16 feet

- (4) The number of signs permitted on a sign structure shall be limited to one (1) sign except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.
  - (5) In addition to the signage permitted above, a use on a lot shall be allowed to have wall signs or signage painted on glass at the entrance to the building. Wall signs shall be subject to the standards contained above in Subsection 4.086, 1, c.
  - (6) A commercial complex shall be subject to the provisions contained above in Subsection 4.086, 1, e.
- b. This section shall apply one to those uses engaged in the retail petroleum and petroleum products business. The following additional provisions shall apply:
- Each such use shall be permitted:
- (1) One (1) permanent price sign per street frontage. Such sign shall not exceed sixteen (16) square feet in size and shall not identify more than three (3) products. Such sign shall be setback from the right-of-way a minimum of ten (10) feet and shall be no closer than thirty (30) feet from any street intersection.
  - (2) Two (2) nonilluminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street.
  - (3) Federal and State stamps, octane, ratings, pump use directions, prices, and no smoking signs as required by Federal, State, and local authorities. Such signs shall be located on the body of the pump.
- c. This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:

- (1) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.
  - (2) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of sixty (60) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).
- d. Signs may be illuminated subject to the standards as specified above in Subsection 4.086.1, f.

3. Off-Premise Commercial Sign Lot

Within the C-1, C-2 and C-3 Districts the following standards shall apply to off-premise commercial signs:

- a. Free standing commercial signs are permitted as principal use on lots where no other principal use is established, providing the applicant meet the following standards. In the event the owner proposes to locate any other use of the lot, it will be required to remove the sign.
- b. All lots considered for use under this section shall meet the minimum size of the district it is to be located in, or is to be approved as an existing nonconforming lot by the Board of Appeals.
- c. All off-premise signs shall meet the following standards:
  - (1) No sign shall exceed 240 square feet in display area.
  - (2) No part of any sign shall be closer than forty (40) feet to any public right-of-way.
  - (3) Such signs shall not exceed fourteen (14) feet in height above the finished grade.
  - (4) Such signs shall be a minimum of twenty (20) feet from any adjacent property line. In the event that a

sign lot is adjacent to a residential district the established setback for the district shall apply. All buffers required by the ordinance shall apply.

- (5) With the exception of the area where the sign is located, the lots shall remain or be covered in grass, groundcover or landscaping.
- d. Lighting of these signs shall be internal or in a manner that shields the light source from sight. All other site lighting is prohibited.
- e. All signs that move or are animated shall be designed in compliance with all established Traffic Safety standards and in compliance with all State and Federal laws.
- f. Before a permit is granted for any off-premise sign a site plan in compliance with section 7.030 B, 2 shall be submitted to the Planning Commission for approval. (Ord. #789, June 1993, as amended by Ord. #841, April 1996, Ord. #901, March 1999, and Ord. #911, Oct. 1999)

#### **4.087 Temporary Sign Provisions**

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

##### **1. General Requirements**

- a. All temporary signs are required to obtain a yearly permit to place one (1) temporary sign on a parcel or lot. Each permit shall be issued for a twelve (12) month period to be renewed each year. These permits will be twenty-five dollars (\$25.00) to assist in the cost of administration of these regulations.
- b. Concerns which are actively engaged in the sign rental business and hold a current business license with the City of Lawrenceburg for this type business, will be eligible to purchase an annual permit for one hundred dollars (\$100.00). This annual permit will cover up to twenty (20) temporary signs. If additional permits are required by the concern, they will be issued at the price of five dollars (\$5.00) each.

- c. Banners may be used as temporary signs, if they do not overhang any public right-of-way.
- d. All such signs shall be securely anchored or fastened and positioned in place so as not to constitute a hazard of any kind.
- e. No temporary sign shall be displayed on a roof.
- f. No temporary sign shall be permitted to project into or over any public street right-of-way.
- g. Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc.

2. Display Surface Area, Height, and Illumination

- a. Maximum display surface area shall be thirty-five (35) square feet.
- b. Maximum height shall be ten (10) feet.
- c. Temporary signs shall not be illuminated except in commercial or industrial districts.
- d. Any sign that is lighted shall be done in compliance with the National Electrical Code.

3. Location of Temporary Signs

- a. All temporary signs shall setback a minimum of eight (8) feet, from any street right-of-way, unless an alternate location is approved by the building inspector in special cases. No temporary graphic shall overhang or encroach on any street right-of-way at any time.
- b. The minimum distance between any two (2) such signs on the same lot shall be seventy-five (75) feet. (Ord. #789, June 1993)

**4.088 Nonconforming and Noncomplying Sign Provisions**

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions.

**1. Removal of Temporary Nonconforming Signs**

Nonconforming portable and handtacked signs and signs in a public right-of-way shall be removed within forty-five (45) days. Nonconforming, flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.

**2. Alterations to Nonconforming and Noncomplying Signs**

A nonconforming or noncomplying sign may be altered subject to the following conditions.

- a. The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its depreciated value.
- b. The total copy of an advertising sign may be changed in accordance with normal business practices.
- c. The proposed alteration conforms to the provisions of this ordinance.
- d. No new nonconformance or noncompliance is created.

**3. Damage or Destruction of Nonconforming and Noncomplying Signs**

When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this ordinance.

Except that any advertising sign located within six hundred-sixty (660) feet, of a Federal highway, as defined by the Federal Highway Beautification Act and oriented to that highway shall not

be removed until compensation can be made to the extent required by law. (Ord. #789, June 1993)

#### **4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS**

The following regulations are intended to supplement the state health regulations established by the Tennessee Trailer Court Act of 1957, Section 68-24-101 through 68-24-120, Tennessee Code Annotated, by ensuring a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

##### **A. Mobile Home Park Building Permit**

1. The application for a "mobile home park permit" shall be filed with the Building Inspector, after the applicant has obtained all permits for water and sewer service. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park building permit has been issued by the Building Inspector. The mobile home park building permit may be issued only upon approval of the special exception by the Lawrenceburg Board of Zoning Appeals. The Board shall act upon an application for a permit after receipt of a report from the Lawrenceburg Regional Planning Commission. The Board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

##### **2. Site Plan Required**

A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the Planning Commission and the Board of Appeals of a site development plan containing the following information.

- a. The name and address of the applicant.
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c. The location, size, and number of all mobile home spaces.
- d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).

- e. The proposed use of buildings shown on the site plan.
- f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- g. The location and number of all off-street parking facilities.
- h. The location of park and recreation areas.
- i. A complete drainage plan with contour lines at five (5) foot intervals.
- j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- k. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- l. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Building Inspector, the Planning Commission, and the Board of Zoning Appeals to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

3. Inspection Fee

An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

- a. The inspection fee shall be ten dollars (\$10.00) per year plus two dollars (\$2.00) per space. The fee is nonrefundable.
- b. The inspection fee shall be paid annually upon inspection of the mobile home park by the Building Inspector.

B. Development Standards

1. General

- a. A mobile home park shall be located only as a special exception within those districts where permitted.
- b. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- c. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

2. Minimum Development Size

No mobile home park shall be approved which contains less than five (5) acres in area or has less than fifteen (15) mobile home spaces.

3. Dimensional Requirements for Parks

- a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
- b. Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.
- c. No building structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

- d. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

4. Spacing of Mobile Homes and Site Coverage

- a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
- b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access streets.
- c. Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

5. The Mobile Home Lot

a. General

The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.

b. Mobile Home Stands

The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall

comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks," May, 1977.

c. Outdoor Living Area

Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

- d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

6. Utilities and Other Services

- a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.
- b. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Lawrence County Health Department and the Board of Zoning Appeals.
- c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
- d. Service buildings, housing sanitation and laundry facilities, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.

- f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitos, or other pests.

7. Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

- a. Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

- b. Pavement Widths

Pavement widths shall be as follows:

Collector Street with no Parking	20 feet
with On-Street Parking	36 feet
Minor Street with no Parking	18 feet
with On-Street Parking	34 feet
One-Way Minor Street	
with no Parking	12 feet
with On-Street Parking	28 feet

- c. Construction

The internal streets and drives shall be paved in accordance with city road standards.

8. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 ½) feet.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

9. Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

10. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

11. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

12. Parking

Parking shall be provided in accordance with Section 4.010.

a. Off-Street Parking

Paved off-street parking may be grouped in bays either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

C. Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Building Inspector which includes securing its stability to anchor pins and installing all utility connections.

4. The permittee shall maintain a register containing the following information:
  - a. The name and address of each mobile home occupant.
  - b. The name and address of the owner of each mobile home and motor vehicle by which it was towed.
  - c. The make, model, year, and license number of each mobile home and motor vehicle.
  - d. The date of arrival and of departure of each mobile home.
5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
6. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
9. The permittee shall be answerable for the violation of any provision of this section.

D. Responsibilities of Park Occupants

1. The park occupants shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.

3. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
  - ▶ The storage area shall be provided with a base of impervious material.
  - ▶ Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  - ▶ The storage area shall be enclosed by skirting.
4. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
5. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
6. All park occupants shall be required to register their pets (dogs and cats) with the park management.
7. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.
8. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
9. No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

E. Inspections

1. The Building Inspector is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.
2. The Building Inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

3. Penalties

- a. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
- b. Each day that a violation is permitted to exist shall constitute a separate offense.
- c. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

F. Revocation of Permit

The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

G. Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.
2. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.
3. Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office. (Ord. #789, June 1993)

**4.100 ALTERNATIVE PROVISIONS FOR LOT SIZE AND THE LOCATION OF OPEN SPACE**

The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in the placement of buildings and in the location of open spaces associated therewith. These provisions are intended to provide variations in lot size and open space requirements within the residential

districts. The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty of the area, while at the same time maintaining the necessary maximum population density limitations of the district in which this procedure may be permitted.

A. General Provisions

The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites. As such, the provisions do not constitute a use, but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings. It is necessary, however, that the purposes and intent of this ordinance be assured and that proper light, air, and privacy be made available for each dwelling unit.

A site development plan as provided for in this section is required not only as an accurate statement of the development, but as an enforceable legal instrument whereby the Planning Commission may be assured that the general purposes, standards, etc., contained in this section are being met.

B. Site development Plan Required

1. Contents

A site development plan containing the information required by Section 7.030, shall be prepared and submitted to the Planning Commission for its review and approval along with a sketch plat as required by the Subdivision Regulations.

2. Coordinated Review

Upon receipt of a site development plan and sketch plat containing information as required above, the Planning Commission may:

- a. Concurrently review the site development plan and sketch plat
- b. Jointly approve, approve with modification, or disapprove these documents; and

- c. In the instance of approval, or approval with modification, transfer the site development plan to the Building inspector for enforcement.

3. Enforcement

Upon approval of a site development plan, the Building Inspector shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved. plan.

- C. Development Standards

The following standards and requirements shall apply to all alternative density developments.

1. General Standards for Development

In the interest of promoting the most appropriate economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:

- a. The protection of the characters, property values, privacy and other characteristics of the surrounding neighborhood;
- b. The provision for surface drainage control, sewage disposal, and water supply, recreation and traffic control; and
- c. The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

2. Availability of Public Utilities

Generally all public utilities, specifically including water and a central sewage collection and treatment system, as defined by this ordinance, shall be available. Where public sewer is not available, no lot or housing site may be created which is less than twenty thousand (20,000) square feet in area and all septic fields for each

dwelling unit shall be located within the area of fee simple ownership of said dwelling unit.

3. Permitted Density

The density permitted is intended to be within the range of that permitted within more typical developments offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:

- a. From the gross acreage available within the development shall be subtracted: (1) Any portion of the site which is within the right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to the landowner, because of restrictions thereon; (2) Any portion of the site which lies within a floodway district.
- b. The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located. For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

4. Minimum Lot Area and Lot Width

No lot of record may be created within the district indicated which has less area than required for the type dwelling indicated.

The following dimensional requirements shall be maintained in all alternative density developers:

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
Minimum Lot Size	15,000	10,000	7,000	5,000
Lot Width at Building Line	100	75	75	60
Front Yard Setback	40	40	30	30
Rear Yard Setback	15	15	10	10
Side Yard Setback	10	10	5	5

5. Yard Requirements

Within any development approved under the provisions of this section, the following yard requirements shall apply:

- a. For units located entirely within the interior of a site no yards as such are required. However, each dwelling unit shall on its own lot have one yard containing not less than fifteen hundred (1,500) square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off-street parking or for any accessory building.
- b. In addition to the provisions of Subsection a., above, for units located along the periphery of the site, the basic yard provisions established for the district within which the development is located shall apply along all portions of such lots as may abut the periphery, excepting any portion of such lots as may involve the use of party walls.

6. Lot Coverage

Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregated site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zone district shall apply to these dwellings located within it. No transfer of bulk is permitted among zoning districts.

7. Access to Dwellings

Access to each lot shall be in compliance with Section 3.030, of this ordinance.

8. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

D. Open Space Requirements

Any common open space provided within a development this type shall:

1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common open space may be put to any use not specified in the approved final development plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- c. Common open space may, subject to approval by the Planning Commission, shall consist of either improved or unimproved land. In this regard, the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Mandatory Provisions Governing Organization and Operation of Maintenance Association

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the development plan. The provisions shall include, but not be limited to, the following:

- a. The maintenance organization must be established and operational before any homes are sold.

- b. Membership must be mandatory for each home buyer and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs. (Ord. #789, June 1993)

#### **4.110 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS**

A site development plan specified in Section 7.030, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics.

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, between eight (8) and twelve (12) feet in height. Storage between the road and street and such fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Street Parking  
As regulated in Article IV, Section 4.010.
- F. Ingress and Egress  
The number of vehicular access drive ways permitted on any single street frontage shall be limited to:
  - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Lawrenceburg, except a more stringent State or Federal law applies. (Ord. #789, June 1993)

#### **4.120 DEVELOPMENT STANDARDS FOR CEMETERIES**

- A. The following standards shall be imposed upon the development and construction of cemeteries in Lawrence County:
  - 1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the

vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

2. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
3. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
4. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations. (Ord. #789, June 1993)

#### **4.130 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS**

All transmission and communication towers and operating equipment shall adhere to the following standards:

- A. All towers constructed shall be the principal use on the property that they are located on. No parcel shall be used for the purpose of constructing a tower that does not meet minimum lot size requirements for a zoning district.
- B. Any new tower constructed shall be capable of supporting co-locations by other telecommunication users. Each application for a new tower must be accompanied by written certification that there is no existing tower capable of supporting a co-location in the area. Additionally, any equipment added to an existing tower must be approved by the Planning Commission.
- C. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1991 utilizing a wind rating of eighty (80) miles per hour plus ice loading for Lawrenceburg, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.

- D. Each application for a new tower shall include written technical information that the tower will not interfere with public, safety communications or disrupt the transmission or reception of radio, television or other communications of adjacent residential and non-residential uses.
- E. A site plan in compliance with section 7.030 shall be approved by the Planning Commission prior to submission to the Board of Zoning Appeals for approval of the use.
- F. All applications for new towers are required to have approval as a "Special Exception" by the Board of Zoning Appeals prior to any permit being issued for construction.
- G. All towers shall be set back from all property lines by a distance that is equal to:
  - 1. for a guyed tower fifty (50) percent of the height, and
  - 2. for a self-supporting tower, equal to the height of the tower.
- H. All applications for permits to build towers in Lawrenceburg must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- I. The entire area containing the tower, equipment and any guyed supports shall be enclosed with a fence no shorter than eight (8) feet in height with out riggers. Access gates to the site will be locked at all times when the site is not occupied.
- J. Where the tower site abuts or is contiguous to any Residential Zoned District, there shall be provided a continuous, solid screening around the fenced area of the site and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.
- K. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration. Towers not requiring marking or lighting shall have an exterior finish, which enhances compatibility with adjacent land use as approved by the Board of Appeals.

- L. The tower owner is responsible for maintaining the grounds, landscaping and all structures on the tower site in a manner acceptable to the city.
- M. In the event that the tower owner decides to discontinue operation of the tower, the owner shall notify the City in writing of when the use shall be discontinued. Unless the owner will maintain the discontinued tower site the tower and all accessory structures are to be removed within six (6) months. (Ord. #936, March 2001)

**4.140 SEASONAL PUBLIC SQUARE CURB MARKET**

All Seasonal Public Square Curb Market vendors shall adhere to the following:

- A. All Seasonal Public Square Curb Market vendors must be located on the Lawrenceburg Public Square to participate in the market.
- B. The use of the Seasonal Public Square Curb Market is restricted to bona fide Lawrence County farmers and growers.
- C. The hours during which the market may be used and occupied are between the hours of seven A.M. and four P.M. or can be established by governing body in control of scheduling events.
- D. It is unlawful for any person or vehicle to obstruct the public way on the Public Square in any way.
- E. Anyone wanting to sell on the square must obtain a permit through existing governing body in control of scheduling events on the square.
- F. All Sellers must maintain strict cleanliness practices in the handling of produce. Hands and surfaces which come in contact with produce must be kept clean with handy wipes or any adequate cleaning substance. All sellers will be subject to inspection and any non-compliance with this section can be grounds for permit revocation.
- G. All selling premises must be left clean with any and all trash picked up. (as added by Ord. #1014, Nov. 2005)

**ARTICLE V****ZONING DISTRICTS****SECTION**

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Zoning Annexed Territory
- 5.050 Residential District Regulations
- 5.060 Commercial District Regulations
- 5.070 Industrial District Regulations
- 5.080 Provisions Governing Floodway and Flood Fringe Districts
- 5.090 Special Overlay District Regulations

**5.010 CLASSIFICATION OF DISTRICTS**

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Lawrenceburg, Tennessee.

<b><u>Zoning District</u></b>	<b><u>District Abbreviation</u></b>
A. <b><u>Residential Districts</u></b>	
Large Lot Residential District	R-1
Low-Density Residential District	R-2
Medium-Density Residential District	R-3
High-Density Residential District	R-4
B. <b><u>Commercial Districts</u></b>	
Central Business District	C-1
Highway Service District	C-2
General Commercial District	C-3
Neighborhood Service Business District	C-4
Office/Professional Service District	C-5
C. <b><u>Industrial Districts</u></b>	
Industrial District	I-1
D. <b><u>Floodway Districts</u></b>	F-1
E. <b><u>Special Overlay District Regulations</u></b>	
Planned Commercial District	
Historic Zoning Overlay District	

(Ord. #789, June 1993)

**5.020 ZONING MAP**

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled Zoning Atlas of Lawrenceburg, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted map and zoning map amendments shall be maintained in the office of the Mayor and Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect. (Ord. #789, June 1993)

**5.030 ZONING DISTRICT BOUNDARIES**

Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, as they exist at the time of the enactment of the zoning. Questions concerning the exact locations of district boundaries shall be determined by the Lawrenceburg Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than one hundred (100) feet, within the more restricted district. (Ord. #789, June 1993)

**5.040 ZONING OF ANNEXED TERRITORY**

Prior to the annexation of property, the Planning Commission shall recommend zoning districts to the Lawrenceburg City Commission, which shall assign the zoning districts by ordinance within one hundred-twenty (120) days, after annexation. (Ord. #789, June 1993)

**5.050 RESIDENTIAL DISTRICT REGULATIONS**

The residential districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

1. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;

2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.
4. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing freedom of architectural and site design;
5. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
6. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenue. (Ord. #789, June 1993)

#### **5.051 R-1, Large Lot Residential District**

##### **A. Purpose and Intent of District**

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefitted by an open residential environment without creating objectionable or undesirable influence upon residential developments. Further, it is the intent of this

ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-1, Large Lot Residential District, the following uses are permitted.

Agricultural Activities

Crops and Animal Raising

Residential Activities

Single Detached Dwelling

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-1, Large Lot Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7-080.

Community Facility Activities

- Administrative Services
- Community Assembly
- Community Education
- Cultural and Recreational Services
- Intermediate Impact Facilities
- Personal and Group Care Facilities
- Religious Facilities

E. Uses Prohibited

In the R-1, Large Lot Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-1, Large Lot Residential District, shall comply with the following requirements.

1. Minimum lot size:

Minimum Area

with sewer	20,000 square feet
without sewer	30,000 square feet

Lot Width at Building Setback

with sewer	100 feet
without sewer	125 feet

2. Minimum Yard Requirements

Front Yard Setback	60 feet
Side	20 feet
Rear	25 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (Ord. #789, June 1993)

**5.052 R-2, Low-Density Residential District**

A. Purpose and Intent of District

These districts are designed to provide suitable areas for low to medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally, these districts will be characterized by single-family detached structures and such other structures as are accessory thereto. These districts also include community facilities, public utilities and open uses which serve specifically the

residents of those districts or which are benefitted by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-2, Low-Density Residential District, the following uses are permitted.

Residential Activities

Single Detached Family  
Dwelling, Duplex  
Dwelling, Triplex

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-2, Low-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Community Facility Activities

- Community Assembly
- Community Education
- Cultural and Recreational Services
- Health Care Facilities
- Intermediate Impact Facilities
- Personal and Group Care Facilities
- Religious Facilities

E. Uses Prohibited

In the R-2, Low-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-2, Low-Density Residential District, shall comply with the following requirements.

1. Medium Lot Size

<u>Minimum Area</u>	15,000 square feet
Area Per Family	5,000 square feet
<u>Lot Width at Building Setback</u>	100 feet

2. Minimum Yard Requirements

Front Yard Setback	50 feet
Side	15 feet
Rear	25 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (Ord. #789, June 1993)

**5.053 R-3, Medium-Density Residential District**

A. Purpose and Intent of District

This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of

zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this class district all buildings and other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-3, Medium-Density Residential District, the following uses are permitted.

Residential Activities

Single Detached Dwelling  
Dwelling, Duplex  
Dwelling, Triplex

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.

5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-3, Medium-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Health Care Facilities  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

Residential Activities

Dwelling, Multi-Family (Apartment, Townhouse)

E. Uses Prohibited

In the R-3, Medium-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-3, Medium-Density Residential District, shall comply with the following requirements.

1. Minimum Lot Size

<u>Minimum Area</u>	10,000 square feet
Area Per Family	3,500 square feet
<u>Lot Width at Building Setback</u>	75 feet

2. Minimum Yard Requirements

Front Yard Setback	40 feet
Side	10 feet
Rear	20 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (Ord. #789, June 1993)

**5.054 R-4, High Density Residential District****A. Purpose and Intent of District**

This class of district is designed to provide suitable areas for high-density residential development where sufficient urban services and facilities are available or where such facilities will be available prior to development. All types of residential activities are permitted, if they are in a planned unit development. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. Commercial activities may be permitted where included as a part of a planned development.

**B. Uses Permitted**

In the R-4, High-Density Residential District, the following uses are permitted.

**Residential Activities****1. Permanent Activities**

Dwelling, Single Detached  
Dwelling, Duplex  
Dwelling, Triplex  
Dwelling, Mobile Home  
Dwelling, Multi-Family (Apartment, Townhouse)

**2. Semi-Permanent Residential**

Boarding House  
Rooming House

**C. Accessory Uses and Structures**

1. Private garages and sheds.

2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-4, High-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Residential

Mobile Home Park (Subject to the Provisions of Section 4.090)

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Health Care Facilities  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

E. Uses Prohibited

In the R-4, High-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-4, Medium-Density Residential District, shall comply with the following requirements.

1. Minimum Lot Size:

Single-Family, Duplex, and Mobile Homes	7,500 square feet
Multi-Family Dwelling and Triplex	11,000 square feet

Area Per Family

Single-Family and Mobile Homes	7,500 square feet
Multi-Family and all other Residential Uses	2,750 square feet

Lot Width at Building Setback

Single-Family and Duplex	75 feet
Multi-Family Dwelling	100 feet

2. Minimum Yard Requirements

Front Yard Setback	35 feet
Side	8 feet
Rear	15 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping: The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot. (Ord. #789, June 1993)

**5.060 COMMERCIAL DISTRICT REGULATIONS**

The commercial districts, established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and their objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and providing for off-street parking and loading facilities.
4. To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of Lawrenceburg, and in particular the need for medical services, and the needs of the general public traveling along major highways.
5. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial

developments where standards for development will provide protection for the environmental essentials of either.

6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
7. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
8. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to protect the strengthen the economic base of Lawrenceburg to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings. (Ord. #789, June 1993)

#### **5.061 C-1, Central Business District**

##### **A. District Description**

This district is designed to provide for a wide range of retail, office, amusement, and service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utility necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relatively high density and intensity of use is permitted in this district.

##### **B. Uses Permitted**

###### Community Facility Activities

Administrative Services  
 Community Assembly  
 Cultural and Recreational Services  
 Essential Services  
 Health Care Facilities

Commercial Activities

Automotive Parking  
Consumer Repair Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting and Administrative Services  
Food and Beverage Services  
General Business and Communication Services  
General Personal Services  
General Retail Trade  
Medical and Professional Services  
Transient Habitation  
Undertaking Services

C. Accessory Uses and Structures

The following accessory uses are permitted in the C-1, Central Business District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Residential Activities

Permanent Residential  
Semi-Permanent Residential

Community Facility Activities

Community Education  
 Personal and Group Care Facilities  
 Religious Facilities

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-1, Central Business District.

F. Dimensional Regulations

All uses permitted in the C-1, Central Business District shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	None
Lot Width at Building Setback	None

2. Minimum Yard Requirements

Front Yard Setback	Twenty-five (25) feet, except where a building or buildings on an adjacent lot or lots provide front yards less than twenty (20) feet in depth, a front yard equal to the average of adjacent front yards shall be provided
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Side Yard Setback	None except that when an open area is provided, it shall be at least ten (10) feet wide, and shall be unobstructed
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Rear Yard Setback                      Twenty (20) feet

3.     Maximum Lot Coverage

There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.

4.     Height Requirement

The maximum height of all buildings located in the C-1 District shall be established as follows, except as provided in Section 6.040.

- a.     The maximum building height at the street line shall be four (4) stories or fifty (50) feet.
- b.     For each foot the building is setback from the street line, the height of the building may be increased by one and one-half (1 ½) feet to a maximum height of sixty-five (65) feet.

5.     Parking Space Requirements

As regulated in Article IV, Section 4.010.

6.     Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

7.     Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street right-of-way lines, exclusive of business driveways and walkways. The provisions of this section may be waived by the Board of Zoning Appeals in cases where the lack of setbacks would make strict application of the provision impossible. (Ord. #789, June 1993, as amended by Ord. #1067, Aug. 2010)

**5.062 C-2, Highway Service District****A. District Description**

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries. Such districts should be situated near major transportation interchanges in clustered development patterns, and not patterns of striped commercial development extending in a continuous manner along such major traffic arteries.

**B. Uses Permitted**

In the C-2, Highway Service District, the following uses and their accessory uses are permitted.

**Community Facility Activities**

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Essential Services  
Health Care Facilities  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

**Commercial Activities**

Animal Care and Veterinarian Services  
Automotive Parking  
Automotive Service and Repair

Building Materials and Farm Equipment  
Consumer Repair Services  
Construction Sales and Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting, and Administrative  
Food and Beverage Service  
Food Service - Drive-In  
General Business and Communication Services  
General Personal Service  
General Retail Trade  
Medical and Professional Services  
Transient Habitation  
Transport and Warehousing  
Undertaking Services  
Vehicular, Craft and Related Equipment

C. Accessory Uses and Structures

The following accessory uses are permitted in the C-2, Highway Service District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-2, Highway Service District, the following uses and their accessory uses may be permitted as special exceptions, after review and approval in accordance with Section 7.080.

Commercial Activities

Wholesale

Manufacturing Activities

Limited Manufacturing Activities

Agricultural, Resources Production, and Extractive Activities

Plant and Forest Nurseries

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-2, Highway Service District.

F. Dimensional Regulations

All uses permitted in the C-2, Highway Service District, shall comply with the following requirements in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	55 feet
Side Yard Setback	15 feet

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.

Rear Yard Setback	20 feet
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except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

H. Planned Commercial Development Provisions

All developments within the C-2, Highway Service District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.091. (Ord. #789, June 1993)

**5.063 C-3, General Commercial District**

A. District Description

These districts are designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores; eating and drinking places, financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic.

Appropriate open space between commercial and residential areas is required.

B. Uses Permitted

In the C-3, General Commercial District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Essential Services  
Health Care Facilities  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

Commercial Activities

Animal Care and Veterinarian Services  
Automotive Parking  
Automotive Service and Repair  
Building Materials and Farm Equipment  
Consumer Repair Services  
Construction Sales and Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting, and Administrative  
Food and Beverage Service  
Food Service - Drive-In  
General Business and Communication Services  
General Personal Service  
General Retail Trade  
Group Assembly  
Medical and Professional Services  
Transient Habitation  
Transport and Warehousing  
Undertaking Services  
Vehicular, Craft and Related Equipment  
Wholesale Sales

C. Accessory Uses and Structures

The following accessories are permitted in the C-3, General Commercial District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-3, General Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Manufacturing Activities

Limited Manufacturing Activities

Agricultural, Resources Production and Extractive Activities

Plant and Forest Nurseries

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-3, General Commercial District.

F. Dimensional Regulations

All uses permitted in the C-3, General Commercial District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	40 feet
Side Yard Setback	20 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	
Rear Yard Setback	25 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in

the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

H. Planned Commercial Development Provisions

All developments within the C-3, General Commercial District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.091. (Ord. #789, June 1993)

**5.064 C-4, Neighborhood Convenience Service Districts**

A. District Description

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

B. Uses Permitted

In the C-4, Neighborhood Convenience Service District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services  
 Community Assembly  
 Community Education  
 Cultural and Recreational Services  
 Essential Services  
 Health Care Facilities  
 Intermediate Impact Facilities

Personal and Group Care Facilities  
Religious Facilities

Commercial Activities

Convenience Commercial  
General Personal Service  
General Retail Trade  
Medical and Professional Services

C. Accessory Uses and Structures

The following accessories are permitted in the C-4, Neighborhood Convenience Service District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

No uses are permitted as special exceptions in the C-4, Neighborhood Convenience Service District.

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-4, Neighborhood Convenience Service District.

F. Dimensional Regulations

All uses permitted in the C-4, Neighborhood Convenience Service District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	50 feet
Side Yard Setback	20 feet

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.

Rear Yard Setback	25 feet
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except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in

the ten (10) percent coverage, there shall be maintained a landscaped-strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

H. Planned Commercial Development Provisions

All developments within the C-4, Neighborhood Convenience Service District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.091. (Ord. #789, June 1993)

**5.065 C-5, Office/Professional Service District**

A. This district is designed to provide for the provision of professional office services, medical and personal services, as well as financial, insurance, real estate and consulting services. In addition to the office activities, limited commercial trade and certain community facilities are permitted to serve to the needs of persons frequenting this district.

B. Uses Permitted

In the C-5, Office/Professional Service District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Essential Services  
Health Care Facilities  
Personal and Group Care Facilities  
Religious Facilities

Commercial Activities

Automotive Parking  
Financial, Consulting, and Administrative Services  
General Business and Communication Services

General Personal Service  
Medical and Professional Services

C. Accessory Uses and Structures

The following accessories are permitted in the C-5, Office/Professional Service District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-5, Office/Professional Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Commercial Activities

Food and Beverage Service  
Food Service Drive-In

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-5, Office/Professional Service District.

F. Dimensional Regulations

All uses permitted in the C-5, Office/Professional Service District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	40 feet
Side Yard Setback	15 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	
Rear Yard Setback	20 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in

the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

H. Planned Commercial Development Provisions

All developments within the C-5, Office/Professional Service District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.091.

**5.070 INDUSTRIAL DISTRICT REGULATIONS**

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

1. To provide sufficient space, in appropriate locations, to meet the needs of the area of Lawrenceburg's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other

objectionable influences, by permitting such development in area where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.

5. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Lawrenceburg area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Lawrenceburg's tax revenues. (Ord. #789, June 1993)

#### **5.071 I-1, Light Industrial District**

##### A. District Description

These districts are intended to provide space for a wide range of industrial and related uses which conform to a relatively low level of objectionable influences. It is required that all operations of industrial establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

##### B. Uses Permitted

In the I-1, Light Industrial District, the following uses and accessory uses are permitted.

##### Community Facility Activities

Essential Services  
Extensive Impact Facilities

Commercial Activities

Animal Care and Veterinarian Services  
Building Materials and Farm Equipment  
Construction Sales and Services  
Transport and Warehousing  
Wholesale Sales

Manufacturing Activities

Limited Manufacturing  
Intermediate Manufacturing

Agricultural, Resources Production, and Extraction Activities

Crop and Animal Raising  
Plant and Forest Nurseries

C. Accessory Uses and Structures

The following accessory uses are permitted in the I-1, Light Industrial District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Community Facility Activities

Administrative Services  
Intermediate Impact Facilities

Commercial Activities

Consumer Repair Services  
 Construction Sales and Services  
 Entertainment and Amusement Services  
 Food and Beverage Service  
 Food Service Drive-In  
 Group Assembly

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-1, Light Industrial District.

F. Dimensional Regulations

All uses permitted in the I-1, Light Industrial District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	35 feet
Side Yard Setback	20 feet

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.

Rear Yard Setback	25 feet
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except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty-five (45) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. (Ord. #789, June 1993)

**5.072 I-2, General Industrial District**

A. District Description

These districts are intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

B. Uses Permitted

In the I-2, General Industrial District, the following uses and accessory uses are permitted.

Community Facility Activities

Essential Services

Commercial Activities

Animal Care and Veterinarian Services  
Building Materials and Farm Equipment  
Construction Sales and Services  
Food and Beverage Service  
Food Service Drive-In  
Transport and Warehousing  
Wholesale Sales

Manufacturing Activities

Limited Manufacturing  
Intermediate Manufacturing

C. Accessory Uses and Structures

The following accessory uses are permitted in the I-2, General Industrial District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the I-2, General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Community Facility Activities

Extensive Impact Facilities

Commercial Activities

Group Assembly

Manufacturing Activities

Extensive Manufacturing Activities

Agricultural, Resources Production, and Extractive Activities

Mining, Drilling and Quarrying

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-2, General Industrial District.

F. Dimensional Regulations

All uses permitted in the I-2, General Industrial District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

Minimum Lot Area	40,000 square feet
Lot Width at Building Setback	150 feet

2. Minimum Yard Requirements

Front Yard Setback	100 feet
Side Yard Setback	40 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be eighty (80) feet.	
Rear Yard Setback	50 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be one hundred (100) feet.	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty-five (45) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. (Ord. #789, June 1993)

**5.080 PROVISIONS GOVERNING FLOODWAY AND FLOOD FRINGE DISTRICTS**

**5.081 Intent and Objectives**

**A. Finding of Facts**

1. The flood hazard areas of Lawrenceburg are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. The flood losses are caused by the cumulative affect of obstructions in flood heights and velocities, the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

**B. Statement of Purpose**

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public loses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

C. Objectives

The Objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
7. To insure that potential home buyers are notified that property is in a flood area. (Ord. #789, June 1993)

**5.082 Supplementary Definitions**

The following definitions are to be used for interpreting the provisions of this article only. The definitions are not intended to permit uses of land that may otherwise be prohibited by the base zoning district. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in Article III, of this ordinance.

1. "Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:
  - a. Accessory structures shall not be used for human habitation.

- b. Accessory structures shall be designed to have low flood damage potential.
  - c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
  - d. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
  - e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
2. "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.
  3. "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.
  4. "Appeal" means a request for a review of the Building Inspector's interpretation of any provision of this ordinance or a request for a variance.
  5. "Area of Shallow Flooding" means a designated AO or AH Zone, on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
  6. "Area of Special Flood-Related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E, on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E, may be further refined.

7. "Area of Special Flood Hazard" is the land in the floodplain within a community subject to one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A, usually is refined into Zones A, AO, AH, A1-30, AE, or A99.
8. "Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
9. "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.
10. "Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
11. "Building" for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure.")
12. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
13. "Elevated Building" means a non-basement building: (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building," also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
14. "Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with Section 1336, of the Act.. It is intended as a

program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

15. "Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.
16. "Exception" means a waiver from the provisions of Subsection 5.086, of this subarticle, directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.
17. "Existing Construction" any structure for which the "start of construction" commenced before the effective date of this ordinance.
18. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.
19. "Existing Structures," see "Existing Construction."
20. "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
21. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. the overflow of inland or tidal waters;
  2. the unusual and rapid accumulation or runoff of surface waters from any source.
22. "Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood that is, the flood level that has a one percent or greater chance of occurrence in any given year.

23. "Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
24. "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.
25. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
26. "Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.
27. "Floodplain" or "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").
28. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
29. "Floodplain Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
30. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved

real property, water and sanitary facilities, structures and their contents.

31. "Flood-Related Erosion" means the collapse or subsidence of land along the shore of lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
32. "Flood-Related Erosion Area" or "Flood-Related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
33. "Flood-Related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.
34. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
35. "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
36. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.
37. "Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close

proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

38. "Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
39. "Historic Structure" means any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - i. By an approved state program as determined by the Secretary of the Interior, or
    - ii. Directly by the Secretary of the Interior in states without approved programs.
40. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
41. "Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and

drainage devices, which are constructed and operated in accordance with sound engineering practices.

42. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 5.050.
43. "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
44. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
45. "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.
46. "Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
47. "National Geodetic Vertical Datum (NGVD)" as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.
48. "New Construction" any structure for which the "start of construction" commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.
49. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes

are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

50. "100-Year Flood," see "Base Flood."
51. "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
52. "Recreational Vehicle" means a vehicle which is:
  - a. built on a single chassis;
  - b. four hundred (400) square feet or less when measured at the largest horizontal projections;
  - c. designed to be self-propelled or permanently towable by a light duty truck; and
  - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
53. "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
54. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
55. "Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM, as Zone A, AO, A1-30, AE, A99, or AH.
56. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a

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

57. "State Coordinating Agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.
58. "Structure," for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
59. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
60. "Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions

or; (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

61. "Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
62. "Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
63. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in Section 5.050, (b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5), is presumed to be in violation until such time as that documentation is provided
64. "Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. #789, June 1993)

### **5.083 General Provisions**

#### **A. Application**

This article shall apply to all areas within the incorporated area of Lawrenceburg, Tennessee.

#### **B. Basis for Establishing the Areas of Special Flood Hazard**

The areas of special food hazard identified on the Lawrenceburg, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 47099C 0090B and 47099C 0150B. Effective Date: December 16, 1988, and any subsequent amendments or revisions, are adopted by reference and

declared to be a part of this ordinance. These areas shall be incorporated into the Lawrenceburg, Tennessee Zoning Map.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

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

G. Warning and Disclaimer of Liability

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

#### H. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lawrenceburg, Tennessee, from taking such other lawful actions to prevent or remedy any violation. (Ord. #789, June 1993)

#### 5.084 Administration

##### A. Designation of (Building Inspector)

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

##### B. Permit Procedures

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

1. Application Stage
  - a. Elevation in relation to mean-sea-level of the proposed lowest floor (including basement) of all buildings<sup>\*</sup>
  - b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed, where base flood elevation data is available.<sup>\*</sup>

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<sup>\*</sup>(See 2, below.)

- c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in Subsection 5.084, B, 2, where base flood elevation data is available.\*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

## 2. Construction Stage

Within unnumbered A Zones, where flood elevation data are not available, the Building Inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Inspector shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean-sea-level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Building Inspector

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

1. Review of all development permits to assure that the requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404, of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Subsection 5.084, B, 2.
5. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with Subsection 5.084, B, 2.
6. When floodproofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Subsection 5.084, B, 2.
7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 5.086.

8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Community FHBM or FIRM, meet the requirements of this article.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the Building Inspector shall require the lowest floor of a building to be elevated or floodproofed to a level of at least two (2) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Subsection 5.082, of this ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of floodproofing shall be recorded as set forth in Subsection 5.084, B.

9. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. (Ord. #789, June 1993)

#### **5.085 Provisions for Flood Hazard Reduction**

##### **A. General Standards**

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall

be in addition to and consistent with applicable state requirements for resisting wind forces;

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimizes flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this article; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this ordinance, shall meet the requirements of "new construction" as contained in this article and provided said nonconformity is not extended.

B. Specific Standards

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

In all areas of special flood hazard where base flood elevation data have been provided, including A Zones, A1-30 Zones, AE Zones, AO Zones, AH Zones, and A99 Zones, and has provided a regulatory floodway, as set forth in Subsection 5.083, B, the following provisions are required.

1. Residential Construction

New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Subsection 5.085, B, 3.

2. Nonresidential Construction

New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-Zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Inspector as set forth in Subsection 5.084, B, 2.

3. Elevated Building

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood

elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
  - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
  - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Subsection 5.085, B, of this article.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the

requirements of new construction, including elevations and anchoring.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
  - ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
  - iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Subsection 5.085, B, 4, b, i, and ii, above.
- c. All recreational vehicles placed on sites must either:
  - i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
  - iii. Be fully licensed and ready for highway use; or
  - iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Subsection 5.085, B, 4, a, or b, i, and ii, above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of 5.084, C, 8, shall be utilized for all requirements relative to the base flood elevation or floodways.

C. Standards for Areas of Special Flood Hazard Zones A1-30 and AE with Established Base Flood Elevation, but Without Floodways Designated

Located within the areas of special flood hazard established in Subsection 5.083, B, where streams exist with base flood data provided but where no floodways have been provided, (Zones A1-30 and AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot, at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principals.
2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.085, B.

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

Located within the areas of special flood hazard established in Subsection 5.083, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the

Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

2. All new construction and substantial improvements of nonresidential buildings shall:
  - a. Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
  - b. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the areas of special flood hazard established in Subsection 5.083, B, are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones), the following provisions apply:

1. All provisions of Subsections 5.084, and 5.085, A, and H, shall apply:

F. Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and with Floodways Designated

Located within the areas of special flood hazard established in Subsection 5.083, B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principals.
2. If Subsection 5.085, F, 1, above is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.085, B.

G. Standards for Unmapped Streams

Located within Lawrenceburg, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.084, B, 2.

H. Standards for Subdivision Proposals

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

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres. (Ord. #789, June 1993)

**5.086 Variance Procedures**

The provisions of this section shall apply exclusively to areas of special flood hazard.

A. Board of Zoning Appeals

1. The Lawrenceburg Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this article.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination

that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

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

gas, electrical, and water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purpose of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #789, June 1993)

## **5.090 SPECIAL OVERLAY DISTRICT REGULATIONS**

The following regulations shall apply in the special overlay zoning districts established in Section 5.010, of this ordinance.

### **5.091 Planned Commercial Development**

#### **A. Intent of Section**

This section is intended to provide a maximum flexibility in design and to insure a minimum standard of site development for commercial activities involving the location of two (2) or more buildings on a single lot or tract of land, or any development site involving five (5) or more acres not subdivided. Proposed uses for a planned commercial development project shall conform to the intent and permitted uses for the commercial zone within which it is to be located.

#### **B. Procedure for Approval**

A building permit for a planned commercial development project shall be issued by the Building Inspector only as authorized by the Lawrenceburg Planning Commission. The commission shall so authorize said permit only after application and review in accordance with the requirements of this section, and after the Planning Commission determines that the proposed project meets the intent of this article and that the development standards set forth by this article will be followed.

##### **1. Information Required**

The following information is required:

- a. **Site plan drawn to a scale no smaller than 1"=100; showing:**
  - (1) Small scale location map of the proposed site.
  - (2) Acreage and zoning classification of the area involved.
  - (3) Topographic contours at five (5) foot intervals.

- (4) The location and dimension of internal streets (including traffic circulation patterns), sidewalks, points of access to public streets, and off-street parking spaces and loading areas.
- (5) The location and dimensions of structures including height; bulk, and the utilization of structures including activities and number of living units (if any).
- (6) Reservations for yards and other open space areas, and landscaping/screening features.
- (7) The location and size of existing and proposed water and sewer lines, storm drainage, and any easements.
- (8) A tabulation of the land area to be devoted to various uses and activities and overall densities.
- (9) Provisions or agreements for maintenance of common open space area.
- (10) A stage development schedule, generally setting forth when the land owner intends to commence construction and completion period.

2. Review Procedure

a. Preapplication Conference

Prior to the filing of the application, the applicant shall confer with the Planning Commission to clarify procedures and issues.

b. Preliminary Review

Twelve (12) copies of the proposal containing the information required above shall be submitted to the Lawrenceburg Planning Commission at least ten (10) days in advance of the meeting at which it is to be considered for preliminary review. Commission

findings, including necessary revisions or additions prior to final site plan submission, shall be outlined to the applicant.

c. Final Review

Twelve (12) copies of the proposal shall be submitted to the Planning Commission, at least ten (10) days in advance of the meeting at which it is to be considered for final review. Upon final approval, the Planning Commission shall authorize issuance of a permit for the planned development project by the Building Inspector.

3. Expiration of Building Permit

In the event that actual construction has not begun within three (3) years from the date of approval of the planned development project, the building permit for said project shall expire. Reinstatement of a project after expiration shall require submission of the proposal for Planning Commission approval.

4. Amendments

Any amendments or changes to a planned development project after receiving final approval by the Planning Commission must be resubmitted for commission consideration and approval.

C. Purpose and Intent of Planned Commercial Development

The purpose and intent of planned commercial development are:

1. To encourage the grouping of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and residential areas.
2. To encourage the orderly development of commercial areas through establishment of sound design and development standards providing for suitable location of commercial activities, parking and traffic circulation, ingress and

egress, loading, landscaping and open space, and utilities and other service facilities.

D. Types of Planned Commercial Development

The two (2) types of planned commercial development include:

1. Planned Commercial Development--General

Planned commercial development--general provides for a range of retail trade and service activities including neighborhood commercial special purpose shopping facilities and community shopping centers.

2. Planned Commercial Development--Office Park

Planned commercial development--office park provides for adequate regulation of activities and traffic around office parks.

E. Permitted Activities in Planned Commercial Development

Activities or uses in planned commercial development shall conform to the intent and permitted uses of the particular commercial zone within which it is located. Any planned commercial development located in the Highway Service, General Commercial and Neighborhood Convenience zones will come under "Planned Commercial Development--General" provisions.

F. Development Standards

1. Location and Site Requirements

In all planned commercial developments

- a. The site shall comprise a single lot or tract of land.
- b. The site shall abut a public street a minimum of fifty (50) feet.
- c. Minimum lot area NONE.

2. Building Area

In all planned commercial developments maximum building area shall not exceed thirty (30) percent of the total lot area. Parking, areas, open courts, and other open space uses shall not be computed in building area.

3. Maximum Permitted Height of Structures

a. Planned commercial development--general:

No building shall exceed forty (40) feet in height.

b. Planned commercial development--office park:

No building shall exceed forty (40) feet in height.

4. Minimum Yards

	Setback from Public Street <u>Right-of-Way</u>	Rear <u>Yard</u>	Side <u>Yard</u>
Planned Commercial Development--General	35 feet	20 feet	15 feet
Planned Commercial Development--Office Park	40 feet	20 feet	15 feet

In any planned commercial development abutting a residential district, the minimum distance between any building and a residential district boundary in all cases shall be sixty (60) feet. Not less than forty (40) feet, of such required space shall be devoted to grass, trees, shrubs, and other landscaping; the remainder of such space may be used for off-street parking.

5. Building Location Requirements

- a. In all planned commercial developments, the minimum distance between any building and any internal street shall be fifteen (15) feet.

b. The minimum distance between buildings shall be:

- |     |  |         |
|-----|--|---------|
| (1) | Planned Commercial<br>Development--General     | 25 feet |
| (2) | Planned Commercial<br>Development--Office Park | 25 feet |

6. Maximum Lot Coverage

In any planned commercial development no more than eighty (80) percent of the total surface land area shall be improved with buildings, structures, parking and loading areas, streets, driveways, or roadways.

7. Minimum Off-Street Parking Space Requirements

- a. An off-street parking space shall contain a minimum of two hundred (200) square feet, exclusive of access and maneuvering space.
- b. The off-street parking requirements shall be as provided in Article IV, Section 4.010.
- c. There shall be ten (10) square feet of landscaped area per parking space, such landscaped areas to be evenly distributed throughout the parking area.
- d. Each off-street parking space shall have a curb or parking bumper to aid in preventing vehicle encroachment upon adjacent spaces.
- e. Curbs, planting strips, or similar aids to channelization of traffic shall be provided at the ends of parking tiers in order to clearly delineate and separate parking aisles.

8. Off-Street Loading Space

a. Size

An off-street loading space, open or enclosed, shall have three (3) minimum dimensions:

(1)	Length	55 feet
(2)	Width	12 feet
(3)	Vertical Clearance	12 feet

These dimensions shall not include driveways or entrances to, or exits from, such off-street spaces.

b. Location

No off-street loading space and no entrance or exit thereto shall be located less than fifty (50) feet from the intersection of two (2) street lines. A location closer to such intersection may be permitted if such location is not hazardous to traffic safety and will not create traffic congestion.

- c. In any planned commercial development there shall be one (1) off-street loading space for a floor area of from seventy-five hundred (7,500) square feet to ten thousand (10,000) square feet in a single occupancy; one (1) additional space for each additional fifteen thousand (15,000) square feet of such floor area or major fraction thereof; provided, that under no circumstances shall more than five (5) off-street loading spaces be required for any single occupancy.

9. Internal Street Design and Construction Standards

In any planned commercial development, the following shall apply:

- a. The maximum grade on any street shall be six (6) percent.
- b. All street intersections shall be at right angles.
- c. All internal streets, drives, roadways, and parking and loading areas shall be privately constructed and maintained.
- d. All internal streets, drives, roadways, and parking and loading areas shall meet the construction

standards for streets as set forth in Article 4, of the Subdivision Regulations of Lawrenceburg, Tennessee.

- e. The minimum pavement width of any internal street, road, or drive shall be twenty (20) feet.

10. Access Requirements

In any planned commercial development, the following provisions shall apply:

- a. Access to public streets shall be controlled in the interest of public safety. Each building or group of buildings and accompanying parking or service area shall be physically separated from public streets by a curb, planting strip, or other suitable barrier that prevents unchanneled motor vehicle ingress and egress and clearly delineates authorized points of access.
- b. A point of access, i.e., a drive, curb-cut, or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.
- c. There shall be no more than two (2) points of access to any one (1) public street on a lot of less than four hundred (400) feet, but more than one hundred (100) feet of public street frontage. Lots with less than one hundred (100) feet frontage on a public street shall have no more than one (1) point of access to any one (1) public street. On lots of more than four hundred (400) feet frontage on a public street, the minimum distance between access points in addition to those indicated above shall be one thousand (1,000) feet.
- d. No points of access shall be permitted within fifty (50) feet of the curb line (or street line where there is no curb) of any public street intersection.
- e. No access point to a public street shall be made without written approval of the Building Inspector.

11. Utility Provisions

- a. All planned commercial developments shall be serviced with public sanitary sewerage and water lines of not less than eight (8) inches and six (6) inches, respectively. Septic sewage disposal may be permitted with the approval of the Planning Commission and the Lawrence County Department of Public Health.
- b. All electric, telephone, and similar service lines and wiring shall be installed underground, and there shall be no utility poles or overhead wiring in any planned commercial development.

12. Storage of Solid Waste Material

In all planned commercial developments, solid waste storage areas shall be screened from public view and shall be maintained in such a manner as to meet County Public Health Department requirements.

13. Street Graphics

Street graphic provisions as provided in Section 4.080, are effective in planned commercial developments. (Ord. #789, June 1993)

**5.092 Historic Zoning Overlay District**

A. Intent of the Historic District

It is the purpose of this Article to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and environmental settings, and districts of historical, archaeological, architectural or cultural value to the City of Lawrenceburg. These requirements are adopted pursuant to the authority granted in Section 13-7-401, of the Tennessee Code Annotated. The general intent of this provision includes, among others, the following specific purposes:

1. To preserve and protect the historic and/or architectural value of buildings or other structures;

2. To regulate exterior design, arrangement, texture and materials proposed to be used within the historic district to ensure compatibility;
3. To create an aesthetic appearance which complements the historic buildings or other structures;
4. To stabilize and improve property values;
5. To foster civic beauty;
6. To strengthen the local economy; and
7. To promote the use of historical districts for the education, pleasure and welfare of the present and future citizens of the City of Lawrenceburg.

B. Definitions

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

1. Alteration

Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

2. Construction

The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

3. Demolition

Any act that destroys the external walls in whole or in part of a structure.

4. Demolition by Neglect

The failure to provide ordinary and necessary maintenance and repair to a historic site or a historic resource within a historic district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such site.

5. Design Guidelines

Standards adopted by the Lawrenceburg Historic Zoning Commission which preserve the historic, cultural, and architectural character of an area or of a structure.

6. An Economic Hardship

An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

7. Historic District

A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values within the City of Lawrenceburg and which has been so designated by the Historic Zoning Commission.

8. Historic Landmark

Any individual historic resource that is significant and contributes to the historical, architectural, archaeological or cultural values within the City of Lawrenceburg and which has been so designated by the Historic Zoning Commission.

9. Ordinary Repair and Maintenance

Any work, the purpose of which is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

10. Relocation

Any change of the location of a structure in its present setting or another setting.

11. Structure

A nonmoveable work made up interdependent and interrelated parts in a definite pattern of organization.

C. Creation of the Historical Zoning Commission

In order to execute the purposes of this act there is hereby established a commission to be known as the Historic Zoning Commission. The commission shall consist of five (5) members. All members of the commission shall be appointed by the mayor, and subject to confirmation by the Board of Commissioners. Additionally, one (1) city commissioner shall serve as an advisory, non voting, member of said Historical Zoning Commission.

1. Membership of Historical Zoning Commission shall be composed of the following members:

- a. One (1) member of the Lawrenceburg Regional Planning Commission.
- b. One (1) member representing the Lawrence County Historical Society,
- c. One (1) architect who is a member, or meets membership requirements, of the American Institute of Architects, if available.
- d. One (1) member from the community in general.
- e. One (1) merchant or property owner.
- f. One (1) member of the Lawrenceburg Board of Commissioners, elected by the members of said board. Said City Commission member shall be in an advisory capacity only, and shall not have voting rights.

2. Terms of Office

The members of the Historic Zoning Commission shall serve for a five (5) year term, except for the members first appointed, who shall serve respectively as follows: One (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. All members shall serve without compensation and may be removed from membership by vote of the Board of Commissioners of the City of Lawrenceburg.

Vacancies on the Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such members; vacancies shall be filled within sixty (60) days.

3. Organization

The Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. At least four (4) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of members of the commission shall constitute final action of the commission on any matter before it.

4. Conflict of Interest

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of or is affected by a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith.

D. Boundaries of Historical Districts and Landmarks

Upon adoption of this ordinance, the Historic Zoning Commission shall delineate the boundaries of the historical district or landmark and have it approved by the Lawrenceburg City Commission. After the boundary receives approval by the Board, it shall be shown on the zoning map or as special overlays to the

zoning map. Changes in the boundaries of the historical district or landmarks may occur after a recommendation by the Historical Zoning Commission and approved by the City Commission.

1. Historic District Defined

A historic district shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria.

- a. That it is associated with an event which has made a significant contribution to local, state, or national historic; or
- b. That it includes structures associated with the lives of persons significant in local, state, or national history; or
- c. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

2. Landmark Defined

A historic landmark shall be defined as a building, structure, site or object, its appurtenance and the property it is located on, of high historical, cultural, architectural or archeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Lawrenceburg and which meets one (1) or more of the following criteria:

- a. That is associated with an event which has made a significant contribution to local, state, or national history;
- b. That is associated with the lives of persons significant in local, state, or national history;
- c. That embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic value;
- d. That has yielded or may be likely to yield archaeological information important in history or prehistory; or
- e. That is listed in the National Register of Historic Places.

E. Powers and Duties of the Historical Zoning Commission

1. The Historic Zoning Commission shall review applications regarding the creation of historic districts and landmarks. The review of such applications shall be in accordance with the criteria set forth in Subsection D., of this article. The commission shall furnish to the city council, in writing, its recommendations regarding the creation of any recommendations of the commission prior to the establishment of such districts or landmarks.
2. Prior to the establishment of a historic district or landmark, and subsequent to adoption of the district or landmark, the Historic Zoning Commission shall adopt for each such proposed district or landmark a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this article. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such review guidelines.
3. It shall be the duty of the Historic Zoning Commission to make the following determinations with respect to the historic districts or landmarks when applicable:

- a. Appropriateness of altering or demolishing any building or structure within the historic district or any landmark. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc., shall be at the expense of the commission.
- b. Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the historic district or of any landmark.
- c. Appropriateness of exterior design of any new extension of any existing building or structure within the historic district or of any landmark.
- d. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks, along the public right-of-way, which might affect the character of any building or structure within the historic district or landmark.
- e. Appropriateness of the general exterior design, arrangement, texture, material, of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings and entire district. However, the Historic Zoning Commission shall not consider interior arrangement or design.
  - (1) historical or architectural value of the present structure;
  - (2) the relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district.

- (3) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
  - (4) to any other factor, including aesthetic, which is reasonably related to the purpose of this Article.
4. The commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance, but there shall be no right of entry into any building without the consent of the owner.
5. Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith.

F. Construction, Alteration, Repair, Moving, or Demolition

1. There shall be no construction, alteration, remodeling, or change of color that affects the external appearance of a historic site without the prior approval of the Historic Zoning Commission. Such approval shall be signified by a Certificate of Approval which shall be issued by the commission in such form as the commission shall deem advisable.

a. Applications

Applications for Certificate of Approval shall be made at the office of the Building Inspector of the City of Lawrenceburg. The Building Inspector shall notify the Historic Zoning Commission of such applications, which shall be in form of preliminary scale drawings and specifications, and such other documents as are appropriate to acquaint the commission with the details of the proposed project. If the preliminary drawings and other data are sufficiently clear, the commission may grant final

approval upon the basis of them. However, the commission shall have the power to require drawings signed by registered architects or engineers and such other documentation as required.

b. Consideration of Applications

All applications for Certificates of Approval received by the Building Inspector ten (10) days prior to the next regularly scheduled meeting of the Historic Zoning Commission shall be considered by the commission at the next meeting date. Any application not granted final approval shall be considered at the next regular meeting before which the application submits whatever documentation required by the commission at its preliminary consideration of the project.

c. Approval or Disapproval

Within thirty (30) days following the availability of sufficient data and documentation, the Historic Zoning Commission shall issue its Certificate of Approval with or without attached condition or refuse to grant a Certificate of Approval. If the commission should refuse to grant a Certificate of Approval, it shall state its grounds for refusal in writing and communicate such grounds to the applicant.

2. No historic site may be demolished or partially demolished without the prior approval of the Historic Zoning Commission. Any application to demolish or partially demolish a structure in the historic district shall be forwarded to the Historic Zoning Commission.

G. Moratorium on Alteration or Demolition

The commission shall have the power to require a one hundred-eighty (180) day moratorium on any request to demolish or alter any structures covered by this ordinance. If no action has been taken or no provisions made for acquiring or restoring the structure within this period of time, the proposed demolition or alteration shall be deemed to have been approved by the commission.

1. Demolition by Neglect

Structures located within a historic district which contribute architecturally or historically to the character and importance of the district and all landmarks shall be preserved against decay and deterioration and kept free from structural defects by the owner or such other person or persons who may have legal custody and control thereof. The owner or other person having custody and control, in keeping with the city's housing standards, shall repair any exterior or interior portions of such building, sites, structure, or object which is becoming deteriorated, decayed, or damaged and tending to cause the structure to fall into a state of disrepair.

2. The Historic Zoning Commission, on its own initiative, may file a petition with the Building Inspector requesting that he proceed under the public safety and housing regulations to require correction of defects or repairs to a structure covered under Section 5.092, G, 1, above, so that such structure shall be preserved and protected in accordance with the purposes of this ordinance.

3. If any structure covered by Section 8.1, above, shall have to be demolished as a public safety hazard and the owner of the structure shall receive two or more notices from the Building Inspector of building neglect in violation of this ordinance and other city ordinances, no application for a permit for a project on the property may be considered for a period of two (2) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of a surface parking lot shall be granted by any city office during this period.

H. Determination of Economic Hardship

Each application for removal or demolition shall be considered, taking into account economic hardship. The commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

1. Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the

recommendations of the commission for changes necessary for the issuance of a Certificate of Appropriateness.

2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structure of the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alterations, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate consultant, appraiser, or other real estate professional experienced in rehabilitation or reuse of the existing structure on the property.
5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
6. If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
7. Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

Request for reconsideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above.

I. Jurisdiction and Appeals

Appeals from any decision of the Historic Zoning Commission may be taken to a court of competent jurisdiction as provided by law.

Nothing in this Article shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified as a historic zoning district or landmark. Use shall be controlled solely by the zoning controlling such property prior to its classification as a historic district or landmark or as may be rezoned by subsequent amendments. (Ord. #789, June 1993, as amended by Ord. #810, Sept. 1994)

**5.100 AIRPORT ZONING PROVISIONS**

**5.101 Statutory Authorization**

This ordinance shall be known and may be cited as the Lawrenceburg/Lawrence County Airport Zoning Ordinance. (Ord. #926, May 2000)

**5.102 Definitions**

As used in this ordinance, unless the context otherwise requires:

AIRPORT - The Lawrenceburg/Lawrence County Airport.

AIRPORT ELEVATION - Nine hundred thirty-six (936) feet above mean-sea-level.

APPROACH SURFACE - A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Subsection 5.104, of this ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Subsection 5.103, of this ordinance.

BOARD OF APPEALS - The duly appointed Board of Lawrenceburg Board of Zoning Appeals to hear and decide on issues related to adjustments, appeals, special exceptions or

variances to the established zoning ordinance. The Board of Appeals may also be referred to as the Board of Zoning Appeals.

CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable air space.

HEIGHT - For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean-sea-level elevation, unless otherwise specified.

HORIZONTAL SURFACE - A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller drive aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet-powered aircraft.

NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this ordinance or an amendment, thereto.

NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Subsection 5.104, of this ordinance.

PERSON - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or similar representative of any of them.

PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE - A surface longitudinal centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width and elevation of the primary surface is set forth in Subsection 5.083 of this ordinance.

RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.

STRUCTURAL - An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

TRANSITIONAL SURFACES - These surfaces extend outward at ninety (90) degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway center line.

TREE - Any object of natural growth.

VISUAL RUNWAY - A runway included solely for the operation of aircraft using visual approach procedures. (Ord. #926, May 2000)

### **5.103 Airport Overlay Districts**

In order to carry out the provisions of this ordinance, there are, hereby, created and established certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Lawrenceburg/Lawrence County Airport. Such zones are to be included as overlay districts to the existing

Official Zoning Atlas of Lawrenceburg. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various airport overlay districts are hereby established and defined as follows:

A. Primary Surface Zone

Established as the imaginary surface five hundred (500) feet wide, longitudinally centered on the runway and extends a length of two hundred (200) feet beyond each end of the runway. The elevation of any point on the longitudinal profile on the primary surface coincides with the elevation of the center line of the runway. The highest determined elevation of the Lawrenceburg/Lawrence County Airport is nine hundred thirty-six (936) feet above mean-sea-level.

B. Horizontal Zone

All the airspace that lies directly under an imaginary horizontal surface one hundred fifty (150) feet above the established airport elevation, or a height of one hundred fifty (150) feet above mean-sea-level. The horizontal zone is, hereby, established as being an area defined by two semi-circles, each having a radius point located two hundred (200) feet beyond the runway ends and on the runway center line extended, the radius of each semi-circle being ten thousand (10,000) feet; and lines parallel with the runway center line connecting the semi-circles. The horizontal zone does not include the approach/departure zones and the transitional zones.

C. Conical Zones

All the airspace that lies directly under an imaginary surface extending upward and outward from the periphery of the horizontal surface at a slope of twenty to one (20:1) (20 feet outward for each foot upward) and extending to a height of three hundred fifty (350) feet above the airport elevation, or four thousand (4000) feet above mean-sea-level.

D. Approach/Departure Zone (Runway 17, Nonprecision

An approach/departure zone is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each end of the runway,

widening, thereafter, uniformly to a width of three thousand five hundred (3,500) feet at a distance of ten thousand two hundred (10,200) feet beyond the end of runway 17, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of thirty-four to one (34:1) (34 feet outward for each foot upward) at the end of Runway 17.

E. Approach/Departure Zone (Runway 35, Visual)

An approach/departure zone is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each of the runway, widening, thereafter, uniformly to a width of three thousand five hundred (3,500) feet at a distance of ten thousand two hundred (10,200) feet beyond the end of Runway 35, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of thirty-four to one (34:1) (34 feet outward for each foot upward) at the end of Runway 35.

F. Transitional Zone

All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway center line (and extended runway center line) at a slope of seven to one (7:1) from the sides of the primary surface and approach/departure surface until they intersect the horizontal surface. (Ord. #926, May 2000)

### 5.104 Height Limitations

Except as otherwise provided in the ordinance, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are, hereby, established for each of the zones in question as follows:

A. Approach/Departure Zones

One foot in height for each thirty-four (34) feet in a horizontal distance beginning at a point of two hundred (200) feet beyond and

at the elevation of the end of the runway extending to a point ten thousand two hundred (10,200) feet from the end of the runway.

B. Transition Zones

One foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet normal to and at the elevation of the center line of the runway extending two hundred (200) feet beyond each end, thereof, and extending to a maximum height of one hundred fifty (150) feet above the established airport elevation which is nine hundred thirty-six (936) feet above mean-sea-level. In addition to the foregoing, there are established height limits of one foot vertical for each seven (7) feet horizontal distance measured from the edges of all approach zones extending upward and outward to the points where they intersect the horizontal surface.

C. Horizontal Zone

One hundred fifty (150) feet above the established airport elevation or a maximum of two hundred fifty (250) feet above mean-sea-level.

D. Conical Zone

One foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height of three hundred fifty (350) feet above the airport elevation or four thousand (4,000) feet above mean-sea-level.

E. Except Height Limitations

Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land. (Ord. #926, May 2000)

**5.105 Use Restrictions**

Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others,

result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or, otherwise, in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. #926, May 2000)

#### **5.106 Nonconforming Uses**

##### **A. Regulations Not Retroactive**

The regulations prescribed in this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change on the construction, alteration, or intended use of any structure; the construction or alteration of which was begun prior to the effective date of this ordinance and is diligently executed.

##### **B. Marking and Lighting**

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is, hereby, required to permit the installation, operation, and maintenance, thereon, of such markers and lights as shall be deemed necessary by the Lawrenceburg/Lawrence County Airport Board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Lawrenceburg/Lawrence County Airport. (Ord. #926, May 2000)

#### **5.107 Administration**

##### **A. Future Uses**

Except as specifically provided in A, B, and C, hereunder, no material change shall be made in the use of land, no structure shall be erected, or otherwise, established, and no tree shall be planted in any zone hereby created, unless a permit, therefore, shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the

affirmative, the permit may be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted, unless a variance has been approved by a Board of appeals or adjustments in accordance with the provisions of the applicable Zoning Ordinance of Lawrenceburg.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In areas lying within the limits of the approach zones, but at a horizontal distance of four thousand two hundred (4,200) feet or more from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such transition zones.
3. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any tree or structure in excess of any of the height limitations established by this ordinance, the Lawrenceburg Zoning Ordinance.

B. Existing Uses

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments, thereto, or than it is when the application for such a permit is

made. Except as indicated, all applications for such a permit may be granted.

C. Permit Issuance

The Lawrenceburg/Lawrence County Airport Board shall serve in an advisory capacity to the approving authority of zoning permit issuance on all new construction, and the alteration or maintenance of any existing tree or structure in the approach zones and transition zones requiring a permit under the provisions of this ordinance. All permit applicants shall apply to the Lawrenceburg Office of Planning and Zoning, which has zoning jurisdiction in the territory in question affected by the development or maintenance proposal. Permits shall be issued under the terms and requirements of the pertinent Zoning Ordinance and the regulations herein prescribed. No permit shall be issued until the applicant has provided substantial information regarding the nature of the project, including the precise location, proposed use and height limitation of any and all structures or trees.

D. Enforcement

It shall be the duty of the Lawrenceburg Building Inspector, duly appointed, to enforce the zoning codes of each jurisdiction to administer, inspect, and enforce the provisions set forth in this ordinance.

E. Appeals and Adjustments

Applicants may seek adjustments, appeals, special exceptions and interpretations to this ordinance through the Board of Zoning Appeals in Lawrenceburg, which has zoning jurisdiction over the territory in question. The Lawrenceburg/Lawrence County Airport Board, the Lawrenceburg Municipal/Regional - Planning Commission, and/or the Lawrence County Planning Commission may make recommendations to the Board of Zoning Appeals.

F. Penalties

Any violation of this ordinance or any regulation, order, or ruling promulgated hereunder, shall be issued penalties as prescribed within the Lawrenceburg Zoning Ordinance, which has jurisdiction over the territory in question. (Ord. #926, May 2000)

**5.108 Validity and Interpretation**

A. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in the ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any matter, the more stringent limitation or requirement shall govern and prevail.

B. Severability

If any of the provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable. (Ord. #926, May 2000)

**ARTICLE VI****EXCEPTIONS AND MODIFICATIONS****SECTION**

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Bulk and Lot Size Noncompliance
- 6.040 Exceptions to Height Limitations
- 6.050 Lots of Record
- 6.060 Exceptions to Setback Requirements
- 6.070 Absolute Minimum Lot Size

**6.010 SCOPE**

Article VI, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article IV and Article V. (Ord. #789, June 1993)

**6.020 NONCONFORMING USES**

The districts established in this ordinance (as set forth in district regulations in Article V) are designed to guide the future use of land in Lawrenceburg, Tennessee by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare. (Ord. #789, June 1993)

**6.021 Provisions Governing Nonconforming Uses**

A. Applicability

The provisions of this chapter are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.

B. Construction or Use Permit Approved Prior to Ordinance Adoption

Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

C. Repairs and Alterations

Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

D. Zone Lot Containing Nonconforming Use

A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section C.

E. Continuation of Nonconforming Use

Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken.

F. Change of Nonconforming Use

1. General Provisions

For the purpose of this chapter, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

3. Nonconforming to Conforming Use

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

G. Expansion of Nonconforming Uses

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

3. Adequate Space for Expansion

No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance. All required yard setback requirements must be adhered to in any such expansion project.

4. Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

5. Expansion upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Section 5.080.

## H. Damage or Destruction

### 1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

### 2. Change in Use Prohibited

No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as required in Section G., above) to other than a permitted use.

### 3. Land with Incidental Improvements

In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

### 4. Infringement upon Open Space Restricted

No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

### 5. Reconstruction of Flood Damaged Property

The provisions of Section 6.030, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodway the district.

I. Discontinuance

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of thirty (30) months, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision. (Ord. #789, June 1993, as amended by Ord. #1044, July 2008)

**6.030 BULK AND LOT SIZE NONCOMPLIANCE**

A. General Provisions

The provisions of this chapter shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

B. Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

C. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 6.030, D., through 6.030, F.

D. Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

E. Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway

district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of thirty-five hundred (3,500) square feet, which before conversion required a lot area of five thousand (5,000) square feet and was, therefore, deficient by fifteen hundred (1,500) square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five thousand (5,000) square feet.

F. Damage or Destruction of Noncomplying Uses

A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof. (Ord. #789, June 1993)

**6.040 EXCEPTIONS TO HEIGHT LIMITATIONS**

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Height exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the Planning Commission. (Ord. #789, June 1993)

**6.050 LOTS OF RECORD**

The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall

again be considered as a yard, court, or other open space for another building.

- C. Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located. (Ord. #789, June 1993)

#### **6.060 EXCEPTIONS TO SETBACK REQUIREMENTS**

The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line. (Ord. #789, June 1993)

#### **6.070 ABSOLUTE MINIMUM LOT SIZE**

In no case shall the Building Inspector or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments. (Ord. #789, June 1993)

**ARTICLE VII****ADMINISTRATION AND ENFORCEMENT****SECTION**

- 7.010 Administration of the Ordinance
- 7.020 The Enforcement Officer
- 7.030 Building Permits
- 7.040 Temporary Use Permits
- 7.050 Certificate of Occupancy
- 7.060 Board of Zoning Appeals
- 7.070 Variances
- 7.080 Procedure for Authorizing Special Exceptions
- 7.090 Amendments to the Ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective Date

**7.010 ADMINISTRATION OF THE ORDINANCE**

Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory. (Ord. #789, June 1993)

**7.020 THE ENFORCEMENT OFFICER**

The provisions of this ordinance shall be administered and enforced by the City Building Inspector. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.

- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties. (Ord. #789, June 1993)

### **7.030 BUILDING PERMITS**

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit therefore, issued by the Building Inspector. If said excavation or construction is begun without a proper building permit the building permit fee shall be double or twice the original cost of the permit if legal compliance had been obtained as is required.

No Building Permit shall be issued by the Building Inspector, except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

#### **A. Application**

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.

2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

B. Site Plan Requirements

Site plans containing the information required for the particular use by this section must be submitted to the Building Inspector at the time of an application for a building permit. It is specifically anticipated that the approval process for one- and two-family detached houses and individual mobile homes shall be administratively approved by the Building Inspector. All other uses shall only be approved in the manner set forth in 7.030, B., 2., below.

1. Site Plans Required for One- and Two-Family Detached Houses and Individual Mobile Homes
  - a. The actual shape, location, and dimensions of the lot to be built upon.
  - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
  - c. The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.
  - d. The size and location of all yards and open areas required by this ordinance.
  - e. The dimension and location of all public water and sewer lines from which the property is to be served.

- f. The location and approximate dimension of all points of access to a public street or road.
- g. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
- h. Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

2. Site Plans Required for All Other Buildings and Activities

This procedure is to be utilized for all buildings and activities, except those subject to the provisions of 7.030, B., 1. Unless otherwise specified, the reviewing agency shall be the Lawrenceburg Planning Commission. Proposals for planned developments and mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the Planning Commission.

The following information shall be included in the site plan:

- a. General Location Sketch Map at a Scale not Smaller than 1"=2,000', Showing:
  - (1) The approximate boundaries of the site.
  - (2) External (public access streets or roads in relation to the site).
  - (3) Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
  - (4) Any public water and sewer systems in relation to site.
- b. Site Plan Drawn at a Scale no Smaller than 1"=100'; Showing:
  - (1) The actual shape, location, and dimensions of the lot.

- (2) The shape, size, and location of all buildings or other structures already on the lot.
- (3) The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
- (4) Topographic features, both existing and proposed with contours at a vertical interval no greater than two (2) feet.
- (5) Location of all driveways and entrances.
- (6) Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
- (7) Location of all accessory off-street loading berths.
- (8) Location of open space.
- (9) Proposed ground coverage, floor area, and building heights.
- (10) Position of fences and walls to be utilized for screening (materials specified).
- (11) Position of screen planting (type of planting specified).
- (12) Proposed means of surface drainage, including all drainage ways and facilities.
- (13) Location of all easements and rights-of-way.
- (14) Location of areas subject to flooding.
- (15) Location and size of all utilities, including all fire hydrants.
- (16) Location, type, and size of proposed signs.

c. The Planning Commission as the Reviewing Body May:

- (1) Recommend approval of the plan as submitted to the Building Inspector.
- (2) Recommend disapproval of the plan.
- (3) Recommend approval of the plan with conditions or recommendations for alterations.

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

3. Building and Structures Exempt from Site Plan Requirements

Building additions and building structures five hundred (500) square feet or less and accessory structures one thousand (1,000) square feet or less, that do not increase the capacity of the principal use are exempt from submitting a complete site plan as required in Section 7.030, B, 2, of this ordinance. In lieu of a site plan, the owner or developer shall submit to the Planning Commission a site sketch plan containing the following information.

The following information is required on a site sketch plan:

- a. General location map (no scale required).
- b. Map of the site drawn by a licensed surveyor showing existing or proposed plan-o-metrics in relation to property lines.
- c. Proposed location of the addition or accessory structure, drawn at a scale no smaller than 1"=100' showing property lines and the outline of the existing building in this area.
- d. A drainage plan will be required for any addition or accessory structure that is not placed on an impervious area. Plan is required to meet all provisions of the city's drainage ordinance.
- e. Location and size of any public utilities in the area of construction.

- f. On sites located adjacent to residential areas a plan for screening and buffering will be required.
- g. A revised ground coverage recap of the site.
- h. A review fee of twenty-five (\$25.00) dollars.

C. Fee

The Lawrenceburg City Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the office of the Building Inspector and City Hall. Only the City Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

D. Issuance of Permit

If the proposed excavation, construction, moving, or alteration 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 an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this ordinance.

E. Construction Progress

Any Building Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year. (Ord. #789, June 1993, as amended by Ord. #950, March 2002)

**7.040 TEMPORARY USE PERMITS**

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector, as provided for in Article IV, Section 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Lawrenceburg City Commission. Such schedule shall be posted in the office of the Building Inspector and City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application. (Ord. #789, June 1993)

**7.050 CERTIFICATE OF OCCUPANCY**

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal. (Ord. #789, June 1993)

**7.060 BOARD OF ZONING APPEALS**

In accordance with 13-7-205 Tennessee Code Annotated, a Lawrenceburg Board of Zoning Appeals, consisting of five members, is hereby established. All members of such Board shall be appointed by the City Commission.

**A. Term of Office of Board Members, Removal, and Vacancies**

The members of the Board of Zoning Appeals, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The Board first appointed shall serve respectively for the following terms: one for one (1) year, two for two (2) years, and two for three (3) years. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the City Commission and may serve with such compensation as may be fixed by the City Commission and may be removed from membership on the Board of Zoning Appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said Board of Zoning Appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

**B. Procedure**

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records and action taken thereon. The records and minutes shall be filed in the office of the Building Inspector and shall be of public record.

C. Appeals to the Board

An appeal to the Lawrenceburg Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

D. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the Zoning Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances

To hear and decide applications for variances from the terms of this ordinance.

E. Rules and Regulations of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.
2. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Lawrence County at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in a public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.
3. The Board may call upon any other office or agency of the county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
4. The Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency, or department of the county or other agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by State law.
6. Any decision made by the Board on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
7. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.
8. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and

those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other side.

F. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.

G. Liability of Board Members, Building Inspectors and Employees

Any board member, building inspector, or other employee charged with the enforcement of this ordinance, acting for the City of Lawrenceburg, within the scope of the responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, building inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the city, until the final termination of such proceedings.

H. Right of Entry upon Land

Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

I. Rehearings

1. No rehearing of the decision by the Board shall be had except:
  - a. On motion to reconsider the vote; or
  - b. On a written request for a hearing.

2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may, by resolution in each case, stipulate.
3. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.

4. No rehearing for a variance shall be granted and applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article. (Ord. #789, June 1993)

## **7.070 VARIANCES**

The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

### **A. Application**

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

### **B. Hearings**

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall

consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Fee

A fee of fifty dollars (\$50.00) shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

D. Standards for Variances

The Board shall not grant a variance, except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities otherwise excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the

area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.

8. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

D. Restrictions and Variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Under no circumstances shall the Board of Appeals grant a variance to allow a "USE" not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
3. The Board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in Section 7.070, C., above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances. (Ord. #789, June 1993, as amended by Ord. #1103, Jan. 2013)

**7.080 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS**

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206, of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. General Requirements

A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- b. Will not adversely affect other property in the area in which it is located.
- c. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Section 7.080, and is necessary for public convenience in the location planned.

C. Criteria for Review

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.080, H.), and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in Item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special

exception on or by adjoining properties and properties generally in or near the district.

3. Refuse and service areas, with particular reference to the items in 1. and 2., above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space
8. General compatibility with adjacent properties and other property in the district.

D. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

G. Special Exceptions Appeals

Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under

statutes of the State of Tennessee. The judgement and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Article shall be final, and subject to review only for illegality or want of jurisdiction. A fee of twenty-five dollars (\$25.00) shall be charged to cover review and processing of each application for a special exception.

#### H. Specific Standards for Residential Activities

A special exception shall not be granted for the residential activities specified below unless the standards established there are met as a part of the conditions for issuing such permit in the applicable zone districts.

##### 1. Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities

In addition to the standards contained elsewhere in this ordinance for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, character of adjoining structures, suitability of the site for the use, and such other factors as the Board may deem necessary.

##### 2. Special Conditions for Upper Story Residential Conversion in the Central Business District

In addition to the standards contained elsewhere in this ordinance for the Central Business District, the Board of Appeals shall consider the effects on the quality of the Central Business District. In consideration of these cases, the board shall consider the commercial uses in the area and ensure that all plans for upper story renovation meets all local and state codes with total involvement by the building inspector and the local fire chief.

#### I. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

1. Special Conditions for Administrative Services

- a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- b. All lot, yard, and bulk regulations of the zone district shall apply.
- c. Appropriate off-street parking requirements shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
- e. The site and architectural plans shall be approved by the Planning Commission.

2. Day Care Centers

For purposes of this ordinance day care facilities are classified into two types as defined below:

**Day Care Home** - includes day care in an occupied residence of not more than seven (7) children including children living in the home.

**Day Care Center** - includes day care for more than seven (7) preteenage children in any kind of building.

a. Day Care Home

- (1) The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
- (2) All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.
- (3) All requirements of the State of Tennessee that pertain to the use shall be met.

- (4) An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.
- (5) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
- (6) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

b. Day Care Center

- (1) No such facility shall be permitted on a zone lot unless it contains a minimum of forty thousand (40,000) square feet.
- (2) All bulk and setback regulations of the district shall be met.
- (3) One (1) accessory off-street parking space for each five (5) children accommodated in the child care facility shall be provided.
- (4) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to enter or exit the zone lot.
- (5) All regulations of the State of Tennessee that pertain to the use shall be met.
- (6) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
- (7) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
- (8) The site and architectural plans of such a facility shall be approved by the Planning Commission

taking into account the above conditions as well as any other pertinent factors.

3. Special Conditions for All Other Personal and Group Care Activities

- a. No such facility shall be permitted on a zone lot, unless it contains a minimum of one (1) acre.
- b. All bulk regulations of the district shall be met.
- c. The requirements of the accessory off-street parking regulations of this ordinance shall apply.
- d. All regulations of the State of Tennessee shall be met.
- e. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

4. Special Conditions for Community Assembly

- a. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.

- b. All bulk regulations of the zone district shall apply.

c. Off-Street Parking

- (1) For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
- (2) For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the

traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

- d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- f. All public utilities and sewage disposal shall be available and connected to the site.

Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

5. Special Conditions for Cultural and Recreational Services

- a. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- b. All bulk regulations of the district shall apply.
- c. The off-street parking requirements of this ordinance shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding areas.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- f. The site and architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

6. Special Conditions for Community Education

- a. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- b. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- d. The off-street parking requirements of this ordinance shall apply.

7. Special Conditions for Health Care

a. Minimum Lot Area

- (1) No health clinic shall be permitted on a zone lot, unless it contains twice the lot area requirements of the district.
- (2) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot, unless it contains a minimum of five (5) acres.
- b. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).
- c. All other regulations of the district shall apply.
- d. There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

- f. All public utilities and sewage disposal shall be available and connected to the site.
- g. The site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.
- h. The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district;
  - (1) Community Facility Activities
  - (2) Commercial Activities
    - Convenience Sales and Services
    - Automotive Parking
    - Food Service
    - Medical Service

8. Special Conditions for Intermediate and Extensive Impact

- a. The location, size and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.
- c. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- d. The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.
- e. The site plan for such facilities shall be approved by the Planning Commission taking into account the above

conditions as well as any other pertinent factors related to the use and operation of such facility.

9. Special Conditions for Essential Public Transport, Communication, and Utility Services

- a. The location of such facility shall be within an area in order to provide the most efficient service to the community.
- b. All of the bulk regulations of the zone district shall apply.
- c. The location of such facility shall not materially increase traffic on surrounding streets.
- d. The location of such a facility shall not have an adverse effect on surrounding properties.
- e. There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.
- f. The site plan for such facility is first approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

10. Special Conditions for Religious Facilities

- a. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
- b. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- c. All bulk regulations of the district shall be met.
- d. The off-street parking requirements of this ordinance shall apply.

J. Specific Standards for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

1. Specific Conditions for Group Assembly Activities

- a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- e. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
  - (1) The minimum size site shall be twenty-five (25) acres.
  - (2) The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
  - (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
  - (4) Access to such facility shall be by a paved road and such road shall be either a major arterial or major

collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

- (5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
  - (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
  - (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
  - (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- f. When an application for a Group Assembly Permit includes a private campground, the following standards shall be met:
- (1) Such campground shall have on site management.
  - (2) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1), acre whichever is smaller.

(3) Such Campground Shall Meet the Following Standards:

Minimum size - Ten (10) acres.

Maximum density - Ten (10) campsites per gross acre.

Sanitary facilities, including flush toilets and showers - Within three hundred (300) feet walking distance of each campsite.

Dump station for travel trailers.

Potable water supply - One (1) spigot for each four (4) campsites.

Trash receptacle - One (1) for each two (2) campsites.

Parking - One (1) space per campsite.

Picnic table - One (1) per campsite.

Fireplace or grill - One (1) per campsite.

Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

(4) Such Campground Shall Meet the Following Design Requirements:

Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not

include utility areas, administration building, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half ( $\frac{1}{2}$ ) the roadway providing access.)

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degree turn - 40 feet

Minimum radius for a 60 degree turn - 50 feet

Minimum radius for a 45 degree turn - 68 feet

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

K. Specific Standards for Agricultural and Extractive Activities

A special exception permit shall not be granted for the agricultural and extractive activity specified, below, unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Mining and Quarrying Activities

- a. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.

- b. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
- (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
  - (2) Location of the area in which the proposed quarrying activity is to be conducted.
  - (3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
  - (4) Proposed method of drainage of the quarry area.
  - (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
  - (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
  - (7) Methods proposed to control noise, vibration and other particulate matter.
  - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.
- c. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone

lots, the outer perimeter of the site shall be considered the lot line.

- d. Before issuing a permit the Board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the Planning Commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- e. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the manner and procedure as prescribed for an original application.
- f. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

2. Special Conditions for Commercial Storage of Explosives

- a. The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or for similar cause.
- b. Such facility shall not be located on a site having an area of less than fifty (50) acres.
- c. All regulations of the State Fire Marshal relating to the storage of explosives shall be met.
- d. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- e. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use of such facilities.

L. Specific Standards for Intermediate Manufacturing Activities

1. Specific Standards for Intermediate Manufacturing Activities

A special exception permit shall not be granted, unless the standards below are met:

- a. The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

2. Specific Standards for Extensive Manufacturing Activities

A special exception shall not be granted unless the standards below are met:

- a. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- c. State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
- d. The site plan is first approved by the Planning Commission taking into account factors related to the use and operation of the facility. (Ord. #789, June 1993)

**7.090 AMENDMENTS TO THE ORDINANCE**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Lawrenceburg Commission. Any member of the City Commission may introduce such legislation, or any official, board, or any other person may present a petition to the City Commission requesting an amendment or amendments to this ordinance.

No amendment to this ordinance shall become effective, unless it is first submitted to the Lawrenceburg Regional Planning Commission for review and

recommendation. The Planning Commission shall have sixty (60) days within which to submit its recommendation to the City Commission. If the Planning Commission disapproves the amendment, it shall require the favorable vote of a majority of the City Commission to become effective. If the Planning Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the City Commission.

Before finally adopting any such amendment, the City Commission shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county.

A fee of fifty dollars (\$50.00) due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Lawrenceburg to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance. (Ord. #789, June 1993)

#### **7.091 Application for Rezoning**

A proposed change of zoning district boundaries shall be initiated by the filings of an application with the Lawrenceburg Planning Commission. Said application shall contain:

1. The name and address of the owner and/or owners of the subject property and the written certification of the authorized agent.
2. A written legal description of the subject property including the Lawrence County Tax Plat number and acreage.
3. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.

5. Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information.
  - a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
  - b. Dimensions in feet of property to be rezoned.
  - c. All roads and easements within or adjoining property to be rezoned.
  - d. Location, size, type and current use of any building on the property requested for rezoning.
  - e. Location of the adjoining property owners in relation to the property to be rezoned.
6. A fee of fifty dollars (\$50.00). (Ord. #789, June 1993)

#### **7.100 PENALTIES**

Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violations continue shall constitute a separate offense. (Ord. #789, June 1993)

#### **7.110 REMEDIES**

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land. (Ord. #789, June 1993)

#### **7.120 VALIDITY**

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall

not affect the validity of this ordinance as a whole or any other part of this ordinance be judged invalid or unconstitutional. (Ord. #789, June 1993)

**7.130 INTERPRETATION**

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other resolution, the provisions which are more restrictive shall govern. (Ord. #789, June 1993)

**7.140 EFFECTIVE DATE**

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Lawrenceburg Regional Planning Commission. (Ord. #789, June 1993)