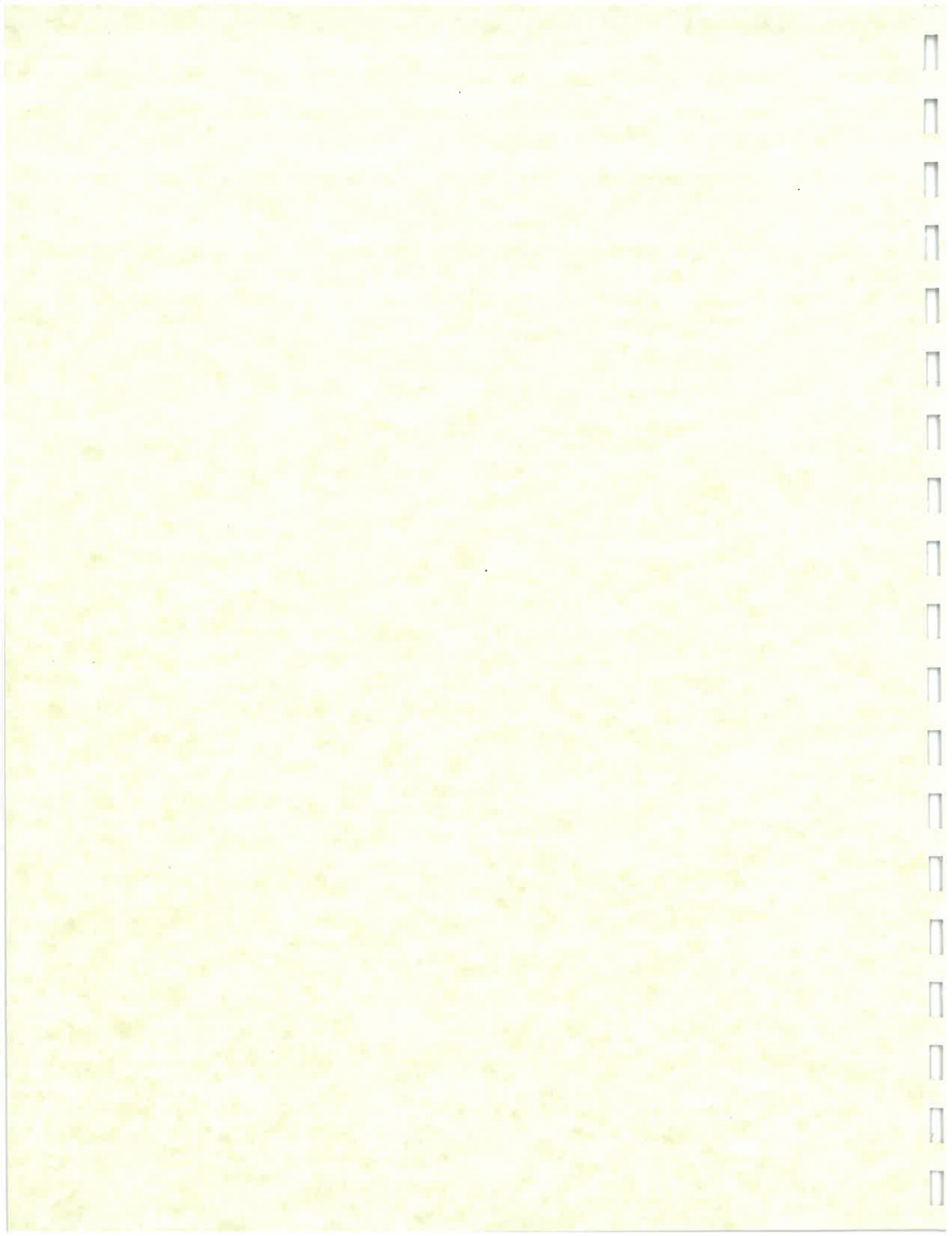


ROCKWOOD

**ZONING
ORDINANCE**

December 16, 2019



CONTENTS

CHAPTER 1 - MUNICIPAL PLANNING COMMISSION

Section 14-101.	Creation and Membership.....	1
Section 14-102.	Organization, Powers, Duties, Etc.....	1
Section 14-103.	Planning Commission designated as BZA.....	1

CHAPTER 2 - ZONING CODE

Section 14-201.	Zoning Code and Zoning map.....	1
Section 14-202.	Purpose of Zoning Code.....	2
Section 14-203.	Definitions.....	2

CHAPTER 3 - GENERAL PROVISIONS

Section 14-301.	Scope.....	9
Section 14-302.	Zoning Affects Every Building and Use.....	9
Section 14-303.	Continuance of Nonconforming Uses and Structures..	9
Section 14-304.	Only One Principal Building on Any Lot.....	10
Section 14-305.	Lots with Two Public Street Frontages.....	10
Section 14-306.	Reductions in Lot Area Prohibited.....	11
Section 14-307.	Obstruction to Vision at Street Intersection.....	11
Section 14-308.	Off-street Automobile Storage.....	11
Section 14-309.	Access Control.....	13
Section 14-310.	Off-street Loading and Unloading Space Required....	14
Section 14-311.	Maximum Building Height.....	14

CHAPTER 4 - ZONING DISTRICTS

Section 14-401.	Classification of Districts.....	15
Section 14-402.	Boundaries of Districts.....	15
Section 14-403.	R-1, Low Density Residential District.....	16
Section 14-404.	R-2, Medium Density Residential District.....	17
Section 14-405.	R-3, High Density Residential District.....	19
Section 14-406.	R-4, Multi-Family Residential District.....	20
Section 14-407.	C-1, Central Business District.....	22
Section 14-408.	C-2, Highway Business District.....	23
Section 14-409.	C-3, Neighborhood Business District.....	24
Section 14-410.	M-1, Light Industrial District.....	25
Section 14-411.	M-2, Heavy Industrial District.....	26
Section 14-412.	F-1, Special Flood Hazard District Overlay.....	27
Section 14-412.	A-1, Agricultural-Forestry District.....	27



CHAPTER 5 - EXCEPTIONS AND MODIFICATIONS

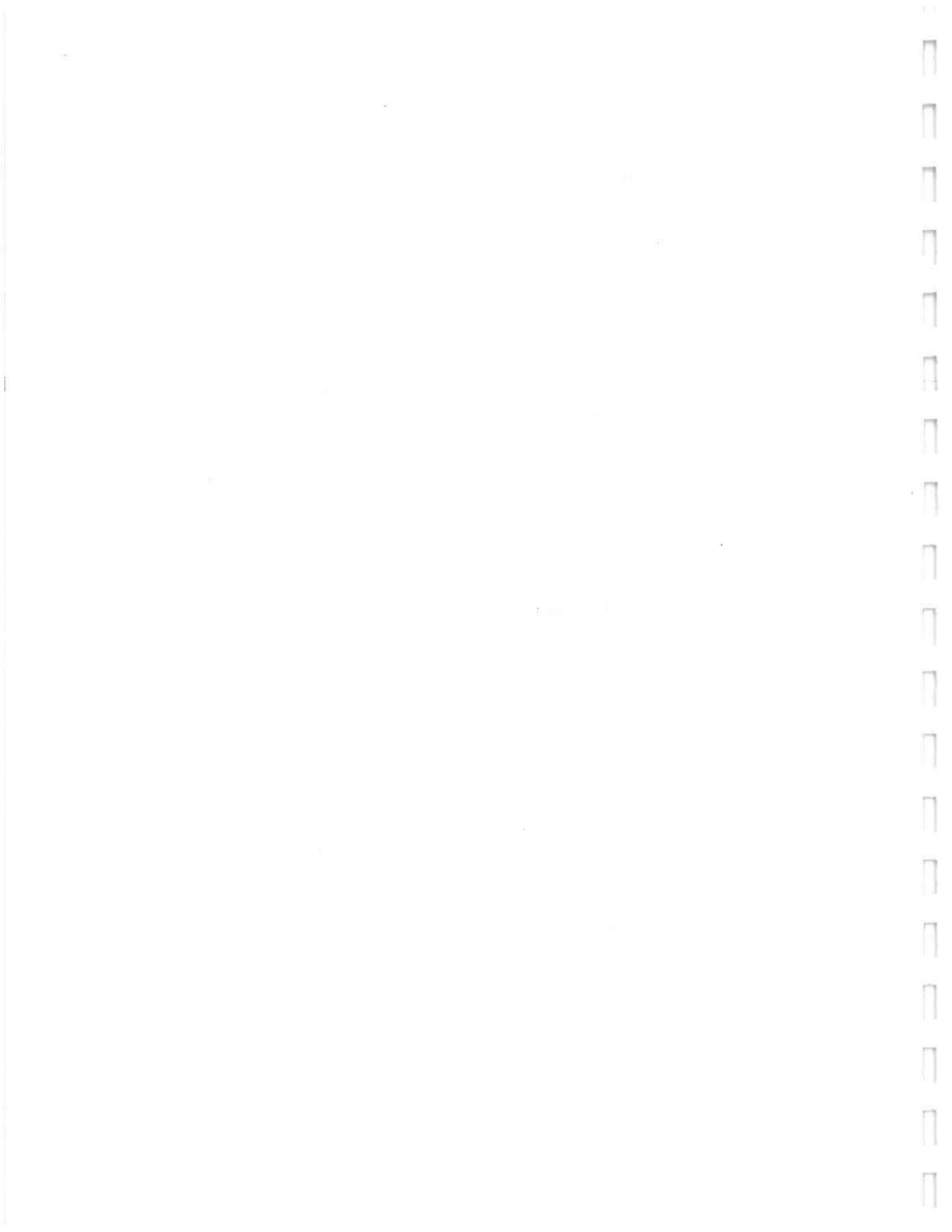
Section 14-501.	Lot of Record.....	31
Section 14-502.	Adjoining Substandard Lots of Record.....	31
Section 14-503.	Setback Line Exceptions.....	31
Section 14-504.	Corner Lot Setbacks.....	31
Section 14-505.	Group Housing.....	31
Section 14-506.	Rear and Side Yards Abutting a Railroad Siding.....	32
Section 14-507.	Front Yards.....	32

CHAPTER 6 - SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL, OR TO ALL DISTRICTS

Section 14-601.	Scope.....	33
Section 14-602.	Fallout/Storm Shelters.....	33
Section 14-603.	Customary Home Occupations.....	33
Section 14-604.	Signs, Billboards, and Other Advertising Structures....	34
Section 14-605.	Swimming Pools.....	39
Section 14-606.	Mobile Homes.....	40
Section 14-607.	Mobile Home Parks.....	42
Section 14-608.	Manufactured Homes.....	48
Section 14-609.	Natural Resource Recovery Operations.....	48
Section 14-610.	Site Plan Review Standards.....	49
Section 14-611.	Temporary Structures.....	51
Section 14-612.	Planned Unit Development.....	52
Section 14-613.	Cellular Communications Facilities	52
Section 14-614.	Bed and Breakfast Inns and Homestays.....	55

CHAPTER 7 – MUNICIPAL FLOODPLAIN REGULATIONS

Section 14-701.	Statutory Authorization, Findings of Fact, Purpose, and Objectives.....	57
Section 14-702.	Definitions.....	57
Section 14-703.	General Provisions.....	64
Section 14-704.	Administration.....	65
Section 14-705.	Provisions for Flood Hazard Reduction.....	68
Section 14-706.	Variance Procedures.....	75
Section 14-707.	Legal Status Provisions.....	78



CHAPTER 8 - ENFORCEMENT

Section 14-801.	Enforcing Officer.....	79
Section 14-802.	Building Permit Required.....	79
Section 14-803.	Issuance of Building Permit.....	79
Section 14-804.	Certificate of Occupancy.....	79
Section 14-805.	Records.....	80
Section 14-806.	Violations and Remedies.....	80

CHAPTER 9 - BOARD OF ZONING APPEALS

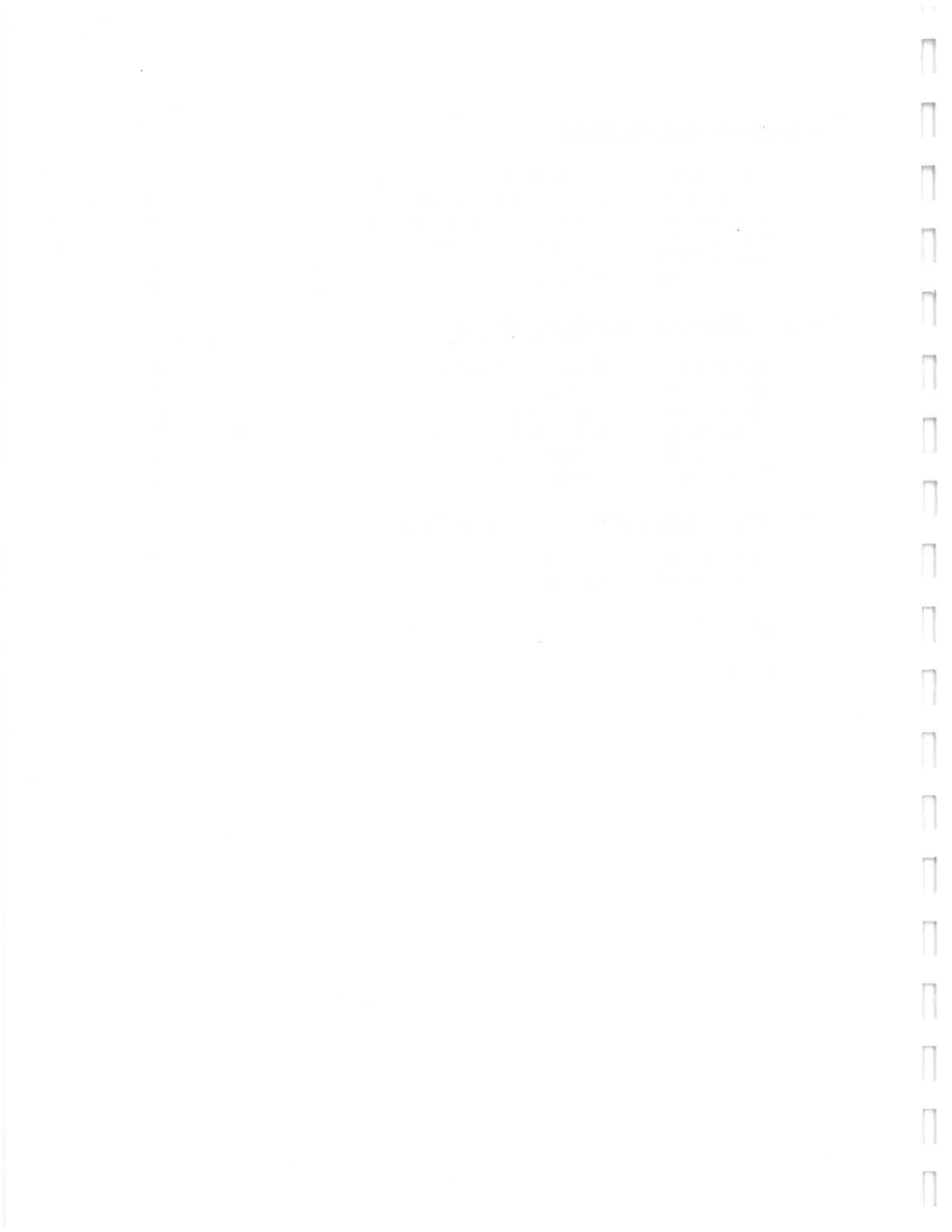
Section 14-901.	Creation and Appointment.....	81
Section 14-902.	Procedure.....	81
Section 14-903.	Appeals, How Taken.....	81
Section 14-904.	Administrative Reviews.....	81
Section 14-905.	Special Exceptions.....	81
Section 14-906.	Variances.....	82

CHAPTER 10 - AMENDMENT AND LEGAL STATUS

Section 14-1001.	Amendment.....	83
Section 14-1002.	Legal Status.....	83

APPENDIX

Certificates.....	87
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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

14-101. **Creation and membership.**

14-102. **Organization, powers, duties, etc.**

14-103. **Planning Commission designated as Board of Zoning Appeals.**

14-101. **Creation and Membership.** Pursuant to the provisions of section 13-501 of the Tennessee Code Annotated, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and a councilman selected by the city council; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall be compensated \$50.00 per month for their services. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for four (4) years each. The five (5) members first appointed shall be appointed for one, two, three, four, and five years respectively so that the term of one (1) member expires each year. The term of the mayor and the councilman selected by the city council shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor.

14-102. **Organization, Powers, Duties, etc.** The planning commission shall be organized and shall carry out its powers, functions and duties in accordance with title 13 of the Tennessee Code Annotated.

14-103. **Board of Zoning Appeals Membership.** The membership of the Rockwood Board of Zoning Appeals shall be the five (5) appointed citizen members of the planning commission. Their terms shall be concurrent with their terms on the planning commission.

CHAPTER 2

ZONING CODE

SECTION

14-201. **Zoning Code and Zoning Map.**

14-202. **Purpose of zoning code.**

14-203. **Definitions.**

14-201. **Zoning Code and Zoning Map.** Title 11, Chapters 2 through 9, inclusive, of this code shall be known as the zoning code, and a map entitled "Zoning Map of Rockwood, Tennessee," dated October 18, 1971, and revised and readopted **March 26, 2018 (Ordinance 12-46)** and referred to in this code as the zoning map and all explanatory matter thereon is hereby made a part of the zoning code and is on file in the office of city recorder.

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

14-203. Definitions. For the purpose of this zoning code 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 defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout the zoning code. Terms not herein defined shall have the meaning customarily assigned to them.

Accessory residence. A single family dwelling located on a lot with another single family dwelling.

Accessory structure / building. Shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

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

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

Addition (to an existing building). Any walled or roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled or roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Agriculture use. This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, forest, and woods, provided, however, all health ordinances of Rockwood are complied with.

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 local street, and which may be used for public utility purposes.

Appeal. A request for a review of the building official's or other city official's interpretation of any provision on these regulations or a request for a variance.

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.

Automobile wrecking. The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof.

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

Bed and Breakfast Inn. A private owner-occupied home with four (4) to six (6) furnished guest rooms, offering overnight accommodations and one daily meal for pay, and with guest staying not more than fourteen days.

Bed and Breakfast Homestay. A private owner-occupied home with fewer than four (4) furnished guest rooms, offering overnight accommodations and one daily meal for pay, and with guest staying not more than fourteen days.

Building. Any structure intended for shelter, housing, or enclosure of persons, animals, or chattel, including tents, lunch wagons, dining cars, and similar structures whether stationary or movable.

Building area of a lot. That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

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.

Child Care facility. A structure used, at least partially, for the care and supervision of children under seventeen (17) years of age, not involving a transfer of legal custody, and for a time period of less than twenty-four (24) hours per day. In general, the caregivers in the facility have no familial relationship with the children provided care.

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

Dwelling. A building or portion thereof, used for residential purposes.

Dwelling, multiple. A building designed for occupancy by three (3) or more families living independently of each other.

Dwelling unit. One or more rooms and a single kitchen designated as a unit for occupancy by only one family for cooking, living, and sleeping purposes.

Flood. An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

Height of building. The vertical distance from the average sidewalk, grade street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

Junkyard or salvage yard. A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Vehicles not in running condition shall include those lacking a title, current license plate/registration, and/or insurance.

Loading and unloading 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, parcel, or plot, or parcel of land in one ownership, which may include one or more contiguous lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.

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 descriptions of which has been recorded in the office of the county register of deeds.

Manufactured home. A building predominately constructed in a manufacturing facility that is transported in two or more sections to the location where it will be permanently sited, connected to utilities, and used as a residence. In accordance with section 13-24-201 of the *Tennessee Code Annotated*, manufactured homes are permitted in any zoning district where site-built residences are allowed.

Mobile home. A building constructed in a manufacturing facility that is transported in one section on a chassis to the location where it will be permanently sited, connected to utilities, and used as a residence.

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 the zoning code which does not conform to the regulations of the district in which it is situated.

Noxious matter. Material (in gaseous, liquid, or solid, particulate or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects 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 zoning code. Open space lines shall coincide with or be parallel to building setback lines of the same lot.

Parcel. A contiguous lot or tract of land owned and recorded as the property of the same person(s) or controlled by a single entity.

Parking lot. An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

Parking space. An off-street space available for parking one motor vehicle and having an area of not less than, nine (9) feet by nineteen (19) feet, exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

Principal use. The primary or predominant use of any lot or parcel.

Recreational vehicle. Any vehicle, self-propelled or designed to be towed by another vehicle, that is designed for use as temporary living quarters, and includes the following: travel and camping trailers, truck-mounted campers, motor homes, and vans converted to campers.

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 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.

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 head clearance equals fifty (50) percent or more of floor area of the next story 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 the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than five (5) feet above the level from which the "height of a building" is measured or if it is used for residential purposes other than for a janitor or domestic servant, including the families of the same, employed in the building.

Street. Any vehicular way which affords the principal means of access to abutting property that (1) is an existing state, county, or city roadway; (2) is shown upon a plat approved by the planning commission; (3) is approved and accepted by official action of the appropriate legislative body; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to adoption of regulations granting the planning commission such authority to review plats.

Street, Arterial. A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from collector streets.

Street, Collector - Major. A street that collects traffic from minor collector streets and/or local streets and connects with arterial streets.

Street, Collector - Minor. A street that collects traffic from local streets and connects with major collector streets and/or arterial streets.

Street, Local. A street designed to provide vehicular access to abutting property and to discourage through traffic.

Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

Swimming pools. An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth of any point greater than two (2.0) feet.

Travel trailer. See Recreation vehicle.

Travel trailer park. See Recreation vehicle park.

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.

Variance. Is a grant of relief from the requirements of the regulations, which permit construction in a manner otherwise, prohibited by the regulations where specific enforcement would result in unnecessary hardship.

Yard. A yard is 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 covered 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 covered porches, and the rear lot line.

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

CHAPTER 3

GENERAL PROVISIONS

SECTION

- 14-301. **Scope**
- 14-302. **Zoning Affects Every Building and Use**
- 14-303. **Continuance of Nonconforming Uses and Structures**
- 14-304. **Only One Principal Building on Any Lot**
- 14-305. **Lots with Two Public Street Frontages**
- 14-306. **Reductions in Lot Area Prohibited**
- 14-307. **Obstruction to Vision at Street Intersection Prohibited**
- 14-308. **Off-Street Automobile Storage**
- 14-309. **Access Control**
- 14-310. **Off-street Loading and Unloading Space Required**
- 14-311. **Maximum Building Height**

14-301. **Scope.** For the purpose of the zoning code, there shall be certain general provisions, which shall apply except as specifically noted, to the city as a whole.

14-302. **Zoning Affects Every Building and Use.** No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations where specified for the district in which it is located, except as hereafter provided.

14-303. **Continuance of Nonconforming Uses and Structures.** Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this zoning ordinance, or any amendment thereto, shall be allowed to remain subject to the following provisions:

- (1) The Board of Zoning Appeals may permit an existing nonconforming use of a building to be changed to a nonconforming use of the same classification or to a nonconforming use of a more restrictive classification, subject to any condition the Board of Zoning Appeals may attach in order to make such change compatible with surrounding uses.
- (2) **Industrial, Commercial, or Business Uses.** In accordance with the provisions of 13-7-208, *Tennessee Code Annotated*, nonconforming industrial, commercial, or business establishments shall be allowed to continue, to reconstruct facilities, including those which may be destroyed by fire or natural disaster, or to expand facilities so long as there is a reasonable amount of space to allow such expansion without creating a nuisance to adjoining property owners. Whenever a planned expansion or reconstruction would encroach into the required yards set out in this ordinance for the district within which such nonconforming use is located, the Board of Zoning Appeals shall rule upon the question of whether or not there is "reasonable space" to allow such expansion. Nothing in this subsection, however, shall be construed as allowing a nonconforming use to acquire additional land to permit expansion.

When the following conditions have existed for a period of thirty (30) months, it shall be evidence of an intent to abandon a nonconforming commercial, industrial,

or business use and no use of land or structures shall be undertaken thereafter unless it is in conformity with the provisions of the district within which such property is located. Said conditions include:

- (a) No employees, customers, or clients are present on site who are there to actively conduct business, give or receive professional services, participate in activities, or use equipment that is considered to be essential to the character and operation of the nonconforming use; and
 - (b) No serious attempts are being made to market the property for sale for its former use.
- (3) **Residential Uses.** Single-family, duplex, and multi-family dwelling units which are located in any district where not now permitted (including those which may be destroyed by fire or natural disaster), may be altered, enlarged, or reconstructed, and used as before, if it is done within twelve (12) months of such damage, unless damaged to extent of more than seventy-five (75) percent of its fair sale value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of the zoning code. The alteration, expansion, or reconstruction of any structure located within the F-1, Flood Hazard District, however, shall be subject to the applicable location and construction requirements of that district.

Nonconforming mobile homes may be replaced with newer and more structurally sound mobile homes. Replacement of mobile homes within the F-1, Flood Hazard District, shall be subject to the applicable location and construction requirements of the Flood Hazard District.

Residential uses, including mobile homes, shall lose their nonconforming use status when they are unoccupied for six (6) consecutive months and no attempts are made to market the property for sale or rent. Mobile homes that are unoccupied for six (6) consecutive months shall be removed unless they are converted to accommodate a permitted use.

14-304. Only One Principal Building on Any Lot.

- (1) Only one principal building and its customary accessory buildings may be erected on any lot. Exceptions may be allowed for group housing developments (14-505), mobile home parks (section 14-607), temporary structures (section 14-611), and planned unit developments (section 14-612).
- (2) No building shall be erected on a lot, which does not abut, or have access to, at least one public street.

14-305. Lots With Two Public Street Frontages. Corner lots and lots with more than one street frontage shall observe the same setback from the property line as required for lots which front on those streets.

14-306. Reductions 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 code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

14-307. Obstruction to Vision at Street Intersections. On any corner lot no wall, fence, sign, structure, plant growth, or any other object, whether movable or stationary, which obstructs vision at elevations between three and one-half (3-1/2) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a visibility triangle. This triangle shall be determined by measuring twenty-five (25) feet along each right of way fronting a corner lot, beginning from the point where the two rights-of-way intersect. However, this triangle shall not apply to buildings or other structures in the C-1 Central Business District.

Within any required minimum front building setback area, except as provided above in this section, no fence, wall, hedge, or yard ornament shall be permitted which materially impedes vision across such area above the height of three and one-half (3-1/2) feet.

14-308. Off-Street Automobile Storage.

- (1) In all districts there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, the planning commission shall determine off-street parking requirements.
 - (a) Single and Two-Family Dwellings. Not less than two (2) spaces for each dwelling unit.
 - (b) Multiple-Family Dwellings. Not less than two (2) spaces per dwelling unit.
 - (c) Boarding Houses and Rooming Houses. Not less than one (1) space for each one (1) room occupied by boarders or roomers.
 - (d) Tourist Accommodations. Not less than one (1) space for each room offered for tourist accommodation.
 - (e) Churches. One (1) space per five (5) seats; or one (1) space per forty (40) square feet of auditorium floor space, whichever is greater.
 - (f) Hotels. Not less than one (1) space for each guest room.
 - (g) Manufacturing or Other Industrial Use. Not less than one (1) space for each two (2) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces provided for any establishment.

- (h) Commercial Building or Use. One (1) space for each three hundred (300) square feet of gross floor area.
 - (i) Shopping Centers. One space for each two hundred and fifty (250) square feet of gross leasable area (GLA).
 - (j) Medical or Dental Clinics. One (1) space for each two-hundred (200) square feet of floor space devoted to patient waiting, examination, or consultation areas.
 - (k) Automobile Gasoline Service Stations. Three (3) spaces for each grease rack of similar facility, plus one (1) space for each two (2) employees.
 - (l) Theaters, Auditoriums, Churches, Stadiums, or Other uses Designed to Draw an Assembly of Persons. No less than one and one-half (1-1/2) spaces for each five (5) seats provided in such place of assembly.
 - (m) Offices. One (1) space for each three hundred (300) square feet of gross floor area.
 - (n) Restaurants. One (1) space per one hundred and fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. (For drive-in restaurants, one (1) space per fifty (50) square feet of floor area).
- (2) Certification of Minimum Parking Requirements. Where a site plan is not required by the planning commission, each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space 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.
- (3) Combination of Required Parking Space. 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 is closed at night or on Sundays.
- (4) Remote Parking Space. If the off-street parking space required by the zoning code 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 any public entrance to such principal use, provided such land is in the same ownership 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 the zoning code, has been made for the principal use.

(5) Requirements for Design of Parking Lots.

- (a) 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.
- (b) Each parking space, including angle parking, shall be rectangular in shape and no less than nine (9) feet in width and eighteen (18) feet in length.
- (c) Backup distance: 90 degree – 22’; 75 degree – 19’; 60 degree – 16’; 45 degree – 13’.
- (d) Travel aisle widths: two-way – 22’; one-way based on backup distance (see c, above).
- (e) Entrances and exits for all off-street parking lots shall comply with the requirements of Section 14-309 of this zoning code.
- (f) The parking lot shall be drained to eliminate surface water.

14-309. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- (1) A point of access for vehicles onto a street shall not exceed thirty (30) feet in width.
- (2) 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 eighty (80) feet in width shall have no more than one point of access to any one public street.
- (3) Where two driveways are provided for one lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.
- (4) No point of access shall be allowed within ten (10) feet of the right-of-way line of any public intersection.
- (5) No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department, or if a state highway, a permit must be obtained from the Tennessee Department of Highways.
- (6) Cases requiring variances relative to the above provisions shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

14-310. Off-Street Loading and Unloading Space Required. Every building or structure hereafter constructed and used for industry, business, or trade involving the receipt 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:

0 to 5,000 sq.ft.	One (1) space
5,000 to 10,000 sq.ft.	Two (2) spaces
10,000 to 15,000 sq.ft.	Three (3) spaces
15,000 to 20,000 sq.ft.	Four (4) spaces
Over 20,000 sq.ft.	Four (4) spaces - plus one (1) space for each additional 20,000 sq. ft.

14-311. Maximum Building Height. No structure shall be erected which is in conflict with the provisions of any existing airport zoning ordinance.

CHAPTER 4

ZONING DISTRICTS

SECTION

- 14-401. **Classification of Districts**
- 14-402. **Boundaries of Districts**
- 14-403. **R-1, Low Density Residential District**
- 14-404. **R-2, Medium Density Residential District**
- 14-405. **R-3, High Density Residential District**
- 14-406. **R-4, Multi-Family Residential District**
- 14-407. **C-1, Central Business District**
- 14-408. **C-2, Highway Business District**
- 14-409. **C-3, Neighborhood Business District**
- 14-410. **M-1, Light Industrial District**
- 14-411. **M-2, Heavy Industrial District**
- 14-412. **F-1, Special Flood Hazard District Overlay**
- 14-413. **A-1 Agricultural-Forestry District**

14-401. **Classification of Districts.** For the purposes of this ordinance, the City of Rockwood, Tennessee, is hereby divided into ten (10) zoning districts as follows:

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- R-4 Multi-Family Residential District
- C-1 Central Business District
- C-2 Highway Business District
- C-3 Neighborhood Business District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- F-1 Special Flood Hazard District Overlay

14-402. **Boundaries of Districts.**

- (1) The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of Rockwood, Tennessee," revision dated March 26, 2018 (Ord. 12-34), or any subsequent revision date, which is a part of the zoning code, and which is on file in the office of the city recorder.
- (2) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center of streets or alleys, or the corporate limit lines as they exist at the time of the enactment of the zoning code. The Board of Zoning Appeals shall determine questions concerning the exact locations of district boundaries.

- (3) Where a district boundary divides a lot existing at the time the zoning code 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 as to such portion of said lot as is not more than twenty (20) feet within the more restricted district.
- (4) Where the property on one side of a street is between two intersecting streets, is in a business or industrial district and the property on the intersecting street, except the corner or corners is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on that street in that block. It is the purpose of the ordinance to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the zoning code shall be observed.

14-403. R-1, Low Density Residential District. The intent of the R-1, Residential District is to provide areas in the city that are well-suited for low density residential dwellings and neighborhoods. Such areas should be accessible by collector streets, have access to utilities, have desirable aesthetic characteristics, and be reasonably convenient to commercial activities.

- (1) Permitted Uses and Structures.
 - (a) A one or two family residential structure, based on lot size.
 - (b) Schools, childcare facilities, parks, churches, libraries, and similar public or semipublic uses.
 - (c) Accessory uses, structures, and outbuildings.
 - (d) Bed and Breakfast Homestays in accordance with Section 14-614.
- (2) Special Exceptions
 - (a) Accessory residences are allowed on a lot with a single family dwelling provided: a maximum of one (1) accessory residence per property, the minimum lot size is 15,000 square feet, the accessory residence is located a minimum of twenty (20) feet from the principal dwelling, and it meets the building setback requirements for principal buildings.
 - (b) Home occupations.
 - (c) Temporary structures and uses.

(d) Outdoor recreational facilities; parks, golf courses.

(3) Lot Size, Building Setbacks, Density, and Other Requirements

- (a) All lots shall abut a public street for at least 30 feet, or an approved permanent easement shall abut a public street for at least 20 feet.
- (b) Minimum Lot Size: 7,500 square feet in area plus 5,000 square feet for a second dwelling unit.
- (c) Residential lots not served by public sewer shall be at least 20,000 square feet in area and meet the requirements of the health department.
- (d) Minimum lot width at building setback line: 50 feet.
- (e) Front yard building setback: 30 feet.
- (f) Rear yard building setback: 20 feet.
- (g) Side yard building setback: one story – 10 feet; two story – 15 feet; three story – 20 feet.
- (h) Building setbacks for lots with more than one road frontage: 30 feet from each road right-of-way.
- (i) Maximum building area: 40 percent of lot.
- (j) Maximum Structure Height: 35 feet or three stories.

(4) Accessory Structures. Accessory buildings are allowed in rear yards and shall not be erected in any front or side yard. Accessory building shall not cover more than 30 percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

14-404. R-2, Medium Density Residential Districts. The intent of the R-2, Residential District is to provide areas in the city that are well-suited for medium density residential dwellings and neighborhoods. Such areas should be accessible by collector streets, have access to utilities, have desirable aesthetic characteristics, and be convenient to commercial activities.

(1) Permitted Uses and Structures.

- (a) A one, two, three, or four family residential structure, based on lot size.
- (b) Schools, childcare facilities, churches, libraries, and similar public or semipublic uses.

- (c) Accessory uses and structures and outbuildings.
- (d) Bed and Breakfast Homestays in accordance with Section 14-614.

(2) Special Exceptions.

- (a) Accessory residences provided: a maximum of one (1) accessory residence per property, the minimum lot size is 15,000 square feet, the accessory residence is located a minimum of twenty (20) feet from the principal dwelling, and it meets the building setback requirements for principal buildings.
- (b) Home occupations.
- (c) Temporary structures and uses.
- (d) Outdoors-recreational facilities; parks, golf courses.
- (e) Professional office buildings having a residential appearance.
- (f) Planned Unit Development (PUD).

(3) Lot Size, Building Setbacks, Density, and Other Requirements

- (a) All lots shall abut a public street for at least 30 feet, or an approved permanent easement shall abut a public street for at least 20 feet.
- (b) Minimum Lot Size: 7,500 square feet in area.
- (c) Residential lots shall be at least 7,500 square feet in area for the first dwelling unit, plus 5,000 square feet for the second dwelling unit, and plus 2,500 square feet for each additional dwelling unit.
- (d) Residential lots not served by public sewer shall be at least 20,000 square feet in area and meet the requirements of the health department for the first and each subsequent dwelling unit.
- (e) Minimum lot width at building setback line: 50 feet.
- (f) Front yard building setback: 30 feet.
- (g) Rear yard building setback: 20 feet.
- (h) Side yard building setback: one story – 10 feet; two story – 15 feet; three story – 20 feet.

- (i) Building setbacks for lots with more than one road frontage: 30 feet from each road right-of-way.
 - (j) Maximum building area: 40 percent of lot.
 - (k) Maximum Structure Height: 35 feet or three floors.
- (4) Accessory buildings. Accessory buildings are allowed in rear yards and shall not be erected in any front or side yard. Accessory building shall not cover more than 30 percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

14-405. R-3, High Density Residential District. The intent of the R-3, Residential District is to provide areas in the city that are well-suited for high density residential dwellings and neighborhoods. Such areas should be accessible by collector streets, have access to utilities, have desirable aesthetic characteristics, and be convenient to commercial activities.

- (1) Permitted Uses and Structures. Uses and structures which are generally accepted as being required and complementary to the following use classifications:
 - (a) All uses and structures permitted or permitted on review in other residential districts.
 - (b) Mobile homes on individual lots.
 - (c) Mobile home parks provided they meet the requirements of 14-607.
 - (d) Schools, childcare facilities, parks, churches, libraries, and similar public or semipublic uses.
 - (e) Bed and Breakfast Homestays in accordance with Section 14-614.
 - (f) Bed and Breakfast Inns in accordance with Section 14-614.
- (2) Special Exceptions.
 - (a) Home occupations.
 - (b) Temporary structures and uses.
 - (c) Outdoors-recreational facilities; parks, golf courses.

- (d) Professional office buildings having a residential appearance.
 - (e) Planned Unit Development (PUD).
 - (f) Those permitted in the R-2 District.
- (3) Mixed occupancy: residential with business, educational, institutional, or mercantile.
- (4) Lot Size, Building Setbacks, Density, and Other Requirement
- (a) All lots shall abut a public street for at least 30 feet, or an approved permanent easement shall abut a public street for at least 20 feet.
 - (b) Minimum Lot Size: 7,500 square feet in area.
 - (c) Residential lots served by public sewer shall be at least 7,500 square feet in area-for the first dwelling unit, plus 5,000 square feet for the second unit, and plus 2,500 square feet for each additional dwelling unit.
 - (a) Residential lots not served by public water and public sewer shall be at least 20,000 square feet in area and meet the requirements of the health department for the first and each subsequent dwelling unit.
 - (b) Minimum lot width at building setback line: 50 feet.
 - (c) Front yard building setback: 30 feet.
 - (d) Rear yard building setback: 20 feet.
 - (e) Side yard building setback: one story – 10 feet; two story – 15 feet; three story – 20 feet.
 - (f) Building setbacks for lots with more than one road frontage: 30 feet from each road right-of-way.
 - (g) Maximum building area: 40 percent of lot.
 - (h) Maximum Structure Height: 35 feet or three stories.

14-406. R-4, Multi-Family Residential District. The intent of the R-4, Residential District is to provide areas in the city that are well-suited for high density multifamily residential dwellings and neighborhoods. Such areas should be accessible by collector streets, have access to utilities, have desirable aesthetic characteristics, and be convenient to commercial activities.

(1) Permitted Uses and Structures

- (a) Residential: one family, two family, and multiple-family (three or more units) dwellings, or combinations of structures, except that no mobile homes shall be permitted in the district.
- (b) Residential units permitted may be constructed in accordance with the group housing or planned unit development requirements noted respectively in Section 14-505 and Section 14-612.
- (c) Schools, childcare facilities, parks, churches, libraries, and similar public or semipublic uses.
- (d) Child care operations, whether housed in an institution or apartment building.
- (e) Accessory buildings or uses customarily incidental to any aforementioned use.
- (f) Bed and Breakfast Homestays in accordance with Section 14-614.
- (g) Bed and Breakfast Inns in accordance with Section 14-614.

(2) Special Exceptions

- (a) Temporary structures and uses as regulated by Section 14-611.

(3) Lot size, Building Setbacks, Density, and Other Requirements

- (a) All lots shall abut a public street for at least thirty (30) feet.
- (b) Minimum lot width at the building line: 75 feet.
- (c) Minimum Lot Size: 7,500 square feet in area.
- (d) Residential lots served by public water and public sewer shall be at least 7,500 square feet in area for the first unit, plus 5,000 square feet for the second unit, plus 2,500 square feet for each additional unit.
- (e) Residential lots not served by public sewer shall be at least 20,000 square feet in area and meet the requirements of the health department for the first and each subsequent dwelling unit.
- (f) Front yard building setback shall be 30 feet.

- (g) Rear yard building setback shall be 20 feet.
 - (h) Side yard building setback shall be 10 feet for one story; 15 feet for two-story; 20 feet for three story.
 - (i) Building setbacks for lots with more than one road frontage: 30 feet from each road right-of-way.
 - (j) Maximum building area: 40 percent of lot.
 - (k) Maximum Structure Height: 35 feet or three stories.
- (4) Accessory Structures No accessory structure building shall be erected in any required front yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from any lot line and from any other building on the same lot. Accessory buildings on corner lots shall conform to front yard setback requirements for both intersecting streets.

14-407. C-1, Central Business District. The intent of the C-1, Central Business District is to provide areas in the city for compatible commercial activities that primarily serve residents of the community and surrounding territory. Such areas should be centrally located to neighboring residential areas and be easily accessed by collector streets and pedestrian walkways.

- (1) Permitted Uses and Structures. Retail stores, business and professional offices, indoor restaurants, personal and professional services, parking lots, parking garages, public buildings and service facilities, churches, financial institutions, medical and veterinary clinics, publishing firms, electronics and small motor repair, shoe repair, tailor and other allied service shops, above ground level single family apartment units, bed and breakfast homestays in accordance with Section 14-614, accessory uses to the above permitted uses, and any use determined by the board of zoning appeals to be similar to a permitted use and within the intent of the zoning district.
- (2) Uses and Structures Permitted on Review by the Board of Zoning Appeals. Any business or service which, in the opinion of the Board of Zoning Appeals, is of the same general character of the above permitted uses and subject to such conditions and safeguards as the Board of Zoning Appeals may specify to preserve the character of the area.
- (1) Prohibited Uses and Structures. Any use not expressly permitted unless the Board of Zoning Appeals determines the use to be similar to a permitted use and within the intent of the zoning district.
- (3) Lot Size, Building Setbacks, Density, and Other Requirements
 - (a) Minimum Lot Size: 7,500 square feet in area.

- (b) Minimum lot width at building setback line: 50 feet.
- (c) Front yard building setback: none required.
- (d) Rear yard building setback: 20 feet.
- (e) Side yard building setback: 10 feet. However, commercial buildings may be built next to a common lot line by common consent, if the lot line walls have a two-hour fire resistance rating. Evidence of common consent must be filed in writing with the building inspector upon application for a building permit.
- (f) Building setbacks for lots with more than one road frontage: 30 feet from each road right-of-way.
- (g) Each dwelling unit shall be provided with a minimum of 600 square feet of living area.
- (h) Structure heights shall not exceed thirty-five (35) feet or three stories.

14-408. C-2, Highway Business District. The intent of the C-2, Highway Business District is to provide areas in the city for compatible commercial activities that require high visibility and accessibility to serve both area residents and travelers. Such areas should be located along collector and arterial streets for maximum visibility and accessibility.

- (1) Permitted Uses and Structures. General retail; tourist retail; restaurants; refreshment stands; overnight lodging; personal and professional services; furniture sales; equipment rental and sales; automobile, motorcycle, agricultural implement, truck, and marine rental, sales, and service; medical and veterinary clinics; offices; bed and breakfast homestays and bed and breakfast inns in accordance with Section 14-614, self-storage; grocery stores; convenience stores; light manufacturing in accordance with the requirements of the M-1 district; and any use determined by the board of zoning appeals to be similar to a permitted use and within the intent of the zoning district.
- (2) Uses and Structures Permitted on Review by the Board of Zoning Appeals.
 - (a) Travel trailer parks subject to Section 14-610 of this code, and any business or service which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board of Zoning Appeals may specify to preserve the character of the area.
 - (b) The Board of Zoning Appeals may approve for location in the C-2, Highway Business District, light manufacturing activities, provided that such activities

comply with the requirements established for the M-1, Light Manufacturing District and providing a use and design plan has been approved and recommended by the planning commission.

- (3) Prohibited Uses and Structures. Any use not expressly permitted unless the Board of Zoning Appeals determines the use to be similar to a permitted use and within the intent of the zoning district.
- (4) Lot Size, Building Setbacks, Density, and Other Requirements
 - (a) Minimum Lot Size. 7,500 square feet in area.
 - (b) Lot width at building setback line: 100 feet, travel trailer parks – 150 feet.
 - (c) Front yard building setback: 35 feet.
 - (d) Rear yard building setback: 20 feet.
 - (e) Side yard building setback: 10 feet. However, commercial buildings may be built next to a common lot line by common consent, if the lot line walls have a two-hour fire resistance rating. Evidence of common consent must be filed in writing with the building inspector upon application for a building permit. Travel trailer parks shall have side yard building setbacks of fifty (50) feet. Principal and accessory building shall also be twenty (20) feet from each other.
 - (f) Building setbacks for lots with more than one road frontage: 35 feet from each road right-of-way.
 - (g) Structure heights shall not exceed thirty-five (35) feet or three stories.

14-409. C-3, Neighborhood Business District. The intent of the C-3, Neighborhood Business District is to provide areas in the city for compatible commercial activities that will serve residents of the immediate surrounding area. Such areas should be located along collector streets and intersections for maximum convenience to neighboring residential properties.

- (1) Permitted Uses and Structures. Indoor restaurants, refreshment stands, indoor places of amusement, convenience retail and service businesses, offices and clinics, service stations and garages provided that petroleum derivatives are not stored above ground, accessory uses incidental to the above uses.
- (2) Uses and Structures Permitted on Review by the Board of Zoning Appeals. Any business or service which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board of Zoning Appeals may specify to preserve the character of the area.

- (3) Prohibited Uses and Structures. Any use not expressly permitted unless the Board of Zoning Appeals determines the use to be similar to a permitted use and within the intent of the zoning district.
- (4) Lot Size, Building Setbacks, Density, and Other Requirements
- (a) Minimum lot size: 7,500 square feet in area.
 - (b) Lot width at building setback line: 50 feet.
 - (c) Front yard building setback: 35 feet.
 - (d) Rear yard building setback: 20 feet.
 - (e) Side yard building setback: 10 feet. However, commercial buildings may be built next to a common lot line by common consent, if the lot line walls have a two-hour fire resistance rating. Evidence of common consent must be filed in writing with the building inspector upon application for a building permit.
 - (f) Building setbacks for lots with more than one road frontage: 35 feet from each road right-of-way.
 - (g) Structure heights shall not exceed thirty-five (35) feet or three stories.

14-410. M-1, Light Industrial District. The intent of the M-1, Light Industrial District is to provide areas for manufacturing, warehousing, and similar light industrial uses. Such areas should be located where there is good road access and where adequate utilities are available. They should also be located where allowed uses will not adversely affect residential districts and uses.

Permitted Uses and Structures. Light manufacturing establishments; processes and facilities such as clothing manufacture; bakeries; bottling works; cabinet making; canneries; laundry and dry cleaning plants; trucking terminals; warehousing; automobile, truck, and agricultural implement sales and service.

- (1) Any use or structure customarily incidental to the above permitted uses.
- (2) Uses and Structures Permitted on Approval by the Board of Zoning Appeals. Other light manufacturing, fabricating, or assembly plants; sand and gravel storage and mixing yards; or other use which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board of Zoning Appeals may specify to preserve the character of the area.

- (3) Prohibited Uses. Any use not expressly permitted unless the Board of Zoning Appeals determines the use to be similar to a permitted use and within the intent of the zoning district.
- (4) Lots Size, Building Setbacks, Density, and Other Requirements. All buildings and structures shall be located so as to comply with the following minimum requirements:
 - (a) Minimum lot size: 7,500 square feet.
 - (b) Lot width at building setback line: 50 feet.
 - (c) Front yard building setback: 35 feet.
 - (d) Rear yard building setback: 20 feet.
 - (e) Side yard building setbacks:
 - 1-story building shall be 10 feet each side.
 - 2-story building shall be 15 feet each side.
 - 3-story building shall be 20 feet each side plus one (1) additional foot for each side yard with each additional foot of height above three (3) stories.
 - (f) Lots with more than one road frontage: 35 feet from each road right-of-way.

14-411. M-2, Heavy Industrial District. The intent of the M-2, Heavy Industrial District is to provide areas for heavy manufacturing uses and processes with which are associated noise, odor, smoke, dust, glare, or other objectionable characteristics. Such areas should be located where there is good road access and where allowed uses will not adversely affect residential districts and uses and intensely developed areas.

- (1) Permitted Uses and Structures. Heavy manufacturing establishments, processes, and facilities such as: the processing of primary metals, quarrying and mining operations, sawmills and other uses of a similar character.
 - (a) Gasoline and oil storage above ground provided no storage tank or building shall be closer than one hundred (100) feet to any property line.
 - (b) Any accessory use or building customarily incidental to the above permitted uses.
- (2) Uses and Structures Permitted on Approval by the Board of Zoning Appeals. Automobile wrecking, junk, or salvage yards and uses which in the opinion of the board of appeals may be hazardous or objectionable due to smoke, noise, gas, vibrations, fumes, dust, or other conditions and subject to such conditions and safeguards as may be required by said board in the interest of public health, safety, amenity, and welfare.

- (3) **Prohibited Uses and Structures.** Any use not expressly permitted unless the Board of Zoning Appeals determines the use to be similar to a permitted use and within the intent of the zoning district.
- (4) **Area Regulations.** All buildings, structures, and principal operations shall be located so as to comply with the following minimum requirements:
 - (a) Minimum lot size: There is no minimum lot size.
 - (b) Minimum lot width: There is no minimum lot width.
 - (c) Front yard building setback: 35 feet.
 - (d) Rear yard building setback: 20 feet.
 - (e) Side yard building setbacks:
 - 1-story building shall be 20 feet each side.
 - 2-story building shall be 25 feet each side.
 - 3-story building shall be 20 feet each side plus one (1) additional foot for each side yard with each additional foot of height above three (3) stories.

14-412. F-1, Special Flood Hazard District. The special flood hazard district is established as an overlay district, the intent of which is to protect the health, safety, and welfare of the citizens of the city by requiring the uses permitted in the underlying zoning districts be developed in accordance with the National Flood Disaster Act of 1973 and any subsequent amendment thereof; and in accordance with the provisions of Section 14-615 entitled Municipal Floodplain Zoning Regulations.

14-413. A-1, Agricultural-Forestry District. The intent of the A-1, Agricultural-Forestry District is to provide areas best suited for agricultural, forestry, rural residential, and non-intensive uses typical of rural areas. Such areas should be located where land is best suited for agriculture, forestry, and non-intensive uses due to soils, topography, minimal road access and limited utilities.

- (1) **Permitted Uses and Structures.** In the A-1 Agricultural-Forestry District, the following uses and their accessory uses are permitted.
 - (a) Agricultural and forestry uses and their accessory structures as generally described in Tennessee Code Annotated and consist of crop production.
 - (b) Detached single-family and two-family dwellings.
 - (c) Individual mobile home structures.
 - (d) Public or private schools or colleges.

- (e) Churches.
 - (f) Parks, playgrounds, swimming pools campgrounds, athletic fields, and other recreational uses.
 - (g) Utility facilities necessary for the provisions of public services.
 - (h) Forestry uses.
 - (1) Gardening, plant nurseries and hot houses.
- (2) Special Exceptions. The following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals.
- (a) Accessory residences provided: a maximum of one (1) accessory residence per property, the minimum lot size is 15,000 square feet, the accessory residence is located a minimum of twenty feet from the principal dwelling, and it meets the building setback requirements for principal buildings.
 - (b) Commercial livestock feeding and sales yard, the raising of fur-bearing animals, fish hatcheries, livery or boarding stables, riding stables, and kennels.
 - (c) Marinas.
 - (d) Neighborhood shopping facilities, provided the total floor space devoted to retail sales does not exceed 4,000 square feet in area.
 - (e) Cemeteries, public or private.
 - (f) Customary Home Occupations.
 - (g) RV parks and camping facilities.
- (3) Prohibited Uses and Structures. Any use not expressly permitted unless the Board of Zoning Appeals determines the use to be similar to a permitted use and within the intent of the zoning district. Uses not permitted include but are not limited to:
- (a) Mobile Home Parks.
 - (b) Hog Lots.
 - (c) Chicken Lots.
 - (d) Slaughter Houses.

- (e) Animal Processing and Packaging Facilities.
 - (f) Manufacturing Plants.
- (4) Dimensional Regulations: All uses permitted in the A-1 Agricultural-Forestry District shall comply with the following requirements:
- (a) Front Yard: The minimum depth of the front yard shall be 50 feet.
 - (b) Rear Yard: The minimum depth of the rear yard shall be 25 feet for the principal structure and 10 feet for any permitted accessory structures.
 - (c) Side Yard: The side yard shall be a minimum of 20 feet for a single-story structure, plus an additional 10 feet for each additional story.
 - (d) Land Area: 10 acres.
 - (e) Maximum Lot Coverage: Main farm and agricultural accessory buildings shall cover no more than 10 percent of the total land area. Permitted non-agriculture or non-forestry uses, both principal and accessory, shall cover no more than 20% of the total land area.
 - (f) Lot Width: 500 feet.
 - (g) Height Requirements: No building shall exceed 50 feet in height, except as provided in Section 14-311.

CHAPTER 5

EXCEPTIONS AND MODIFICATIONS

SECTION

- 14-501. **Lot of Record**
- 14-502. **Adjoining Substandard Lots of Record**
- 14-503. **Setback Line Exception**
- 14-504. **Corner Lots**
- 14-505. **Group Housing**
- 14-506. **Rear and Side Yards Abutting a Railroad Siding**
- 14-507. **Front Yards**

14-501. **Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the zoning code does not own sufficient land to enable him to conform to the yard or other requirements of the zoning code, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning code. 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, in the opinion of the Board of Zoning Appeals, as is possible.

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 the zoning code, 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.

14-502. **Adjoining Substandard Lots of Record.** Where two 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 within which they are located.

14-503. **Setback Line Exception.** The setback requirement of the zoning code 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. However, in all residential districts the setback shall in no case be less than thirty (30) feet from the centerline of the existing right-of-way.

14-504. **Corner Lot Setbacks.** For all corner lots, the front building setback requirement shall apply to any side of a lot that fronts a street.

14-505. **Group Housing.** In the case of group housing developments of two or more buildings to be constructed on a plot of ground and not subdivided into the customary streets and lots, or where the existing or contemplated street and lot layout makes it impracticable to apply

the requirements of the zoning code to the individual building units in such group housing; the application of the terms of the zoning code may be varied by the Board of Zoning Appeals in a manner which will be in harmony with the character of the neighborhood, will insure an intensity of land use no higher and a standard of open space no lower than that permitted by the zoning code in the district in which the proposed housing is to be located. However, in no case shall the Board of Zoning Appeals authorize the use prohibited in the district in which the housing is to be located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of the zoning code permits in such a district.

14-506. Rear and Side Yards Are Abutting a Railroad Siding. In industrial districts when lot boundaries abut a railroad siding, the Board of Zoning Appeals may grant a variance for the width and depth of side and rear yard requirements.

14-507. Front Yards. Where there are two (2) or more existing buildings on the same side of a street in the same block and within one hundred (100) feet of a lot, the required front yard for said lot may be reduced to the average distance from the existing right-of-way to said existing building.

CHAPTER 6

SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL, OR TO ALL DISTRICT

SECTION

- 14-601. **Scope**
- 14-602. **Fallout/Storm Shelters**
- 14-603. **Customary Home Occupations**
- 14-604. **Signs, Billboards, and other Advertising Structures**
- 14-605. **Swimming Pools**
- 14-606. **Mobile Homes**
- 14-607. **Mobile Home Parks**
- 14-608. **Manufactured Homes**
- 14-609. **Natural Resource Recovery Operations**
- 14-610. **Site Plan Review Standards**
- 14-611. **Temporary Structures**
- 14-612. **Planned Unit Development**
- 14-613. **Cellular Communications Facilities**
- 14-614. **Bed and Breakfast Inns and Homestays**

14-601. **Scope.** The supplementary regulations are listed and described in this chapter, rather than repeated several times throughout the zoning code, as they are applicable to specific, to several, or to all districts. The regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions, thus warranting a more convenient placement than that which would be possible by placing them in Title 11, Chapter 4, of this code.

14-602. **Fallout/Storm Shelters.** Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Area of underground fallout shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear open space and setback requirements to permit construction of joint shelters by two or more property owners; provided, however, that side and rear open space and setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

14-603. **Customary Home Occupations.** A customary home occupation is a gainful occupation or profession conducted by a member of a family residing on the premises and conducted entirely within the principal dwelling unit. In connection with a home occupation, no evidence of the home occupation shall be displayed outside the dwelling and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

(1) Criteria:

- (a) The occupational activity may occur in either one (1) or two (2) family dwellings or accessory structures.
- (b) The activity shall be conducted by at least one (1) resident of the dwelling and no more than one (1) employee shall be a nonresident.
- (c) The principal structure shall not be altered to change its residential appearance, nor shall any equipment or machinery, which may create a nuisance, such as noise, dust, or vibrations be installed or used.
- (d) No traffic shall be generated by the activity in greater volumes than would ordinarily be expected in a residential neighborhood, and parking generated by the activity shall be satisfied by off-street parking arrangements.

(2) Permitted Home Occupations:

- (a) Arts and crafts activities.
- (b) Professional offices for architects, real estate brokers, engineers, IT professions, surveyors, accountants, tax preparers, internet sales, and similar activities whose business seldom requires clients to visit the home.
- (c) Repair services for watches, clocks, guns, shoes, purses, and similar goods.
- (d) Tutorial instruction allowing two pupils per session, except for music instruction which shall be one student per session.
- (e) Beauty/barber shops.
- (f) Antique sales.
- (g) Any other business which the Board of Zoning Appeals finds to be of similar character.

(3) Prohibited Home Occupations:

- (a) Any use involving explosive materials.
- (b) Guns and ammunition sales.

14-604. Signs, Billboards, and Other Advertising Structures. Recognizing the importance of signs as a means of conveying information of both a commercial and non-commercial nature and the tendency of some signs to create hazards to the public welfare and the aesthetic quality of the community, these regulations are intended to minimize such negative

impacts and to complement the provisions of applicable building codes. The Board of Zoning Appeals is authorized to hear appeals pertaining to the administration of these regulations.

(1) Definitions.

- (a) Sign. Any devise, fixture, placard, or structure that uses color, form, graphics, illumination, symbols, or writing to advertise, announce or to communicate information of any kind to the public.
- (b) Sign area. The area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area is determined by using the largest sign area or silhouette visible at any one time from any one point. This does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc., which are not part of the main supports of the sign, are to be included in determining the sign area.

The area of a multi-faced sign shall be computed by adding together all sign faces visible from any point at the same time, if the faces of the signs are identical. Multi-faced signs include revolving and rotating signs, cubes, prisms, etc.
- (c) Banner, pennant, flag signs. Sign of lightweight fabric intended to convey a message or attract attention.
- (d) Bench. A sign located on a bench or seat placed on or adjacent to the public right-of-way.
- (e) Billboard. A double-sided back to back or V-shaped sign using one pole with a sign area for each face of greater than one hundred fifty (150) square feet is considered one billboard.
- (f) Freestanding. Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.
- (g) Ground/pole. The bottoms of ground signs touch or are in close proximity to the ground. Pole signs are supported by a pole or poles and the actual sign does not contact the ground.
- (h) Marquee. A sign that is a part of or attached to a permanent roof-like part of a structure.
- (i) Canopy. A sign that is a part of or attached to an awning, canopy, etc., or structural protective cover over a door, window, or outdoor service area.

- (j) Portable. Trailer or rack mounted signs, generally but not limited to or intended for temporary use.
 - (k) Projecting. A sign attached perpendicular to a building or the wall of a structure.
 - (l) Roof. A sign attached to and vertically over a building or structure roof.
 - (m) Snipe. Signs attached to trees and utility poles are prohibited.
 - (n) Suspended. A sign suspended from the underside of a horizontal plane surface and is supported by such surface.
 - (o) Trailer, beacon. A sign mounted on a trailer for the purpose of mobility. Beacon lights as used for attracting public attention are included as a trailer sign.
 - (p) Wall (attached). A sign attached parallel to but projecting less than twelve (12) inches off a wall.
 - (q) Wall (intrinsic). An outdoor sign painted, interlocked or otherwise appearing to be a part of the wall and protruding not more than six (6) inches from the wall.
- (2) Functional classification of signs. For the purpose of regulation, signs are hereby categorized as on-premise and off-premise.
- (a) On-premise. Signs related to activities, services, products, etc., occurring or available at the same site as the sign.
 - (b) Off-premise. Signs related to or promoting activities, services, products, etc., not occurring or available at the same site as the sign
 - (c) Advertisement and promotional signs and informational signs. On-premise and off-premise signs are further classified based upon their function and use. Informational signs convey no commercial or promotional message while the primary function of the sign is marketing a product, service, organization, person, etc., for economic gain or not.
- (3) Specific sign regulations. Signs are also defined according to their location, structural design and construction, and other features.
- (a) Registered signs. The following signs as described below shall be registered with the building official. No permit fee shall be required except for the review of request for variances or waivers by the Board of Zoning Appeals. Failure to register shall result in removal of the sign at owner/agent expense.

- (1) Home occupation signs not exceeding two (2) square feet and located no closer than ten (10) feet from the existing street right-of-way.
 - (2) Directional or informational signs of a public or quasi-public nature, exceeding twenty-four (24) square feet and are erected or maintained by an official or civic body promoting the public good.
 - (3) Off-premise signs displaying notices of construction projects, or business sales and rentals shall not exceed sixteen (16) square feet in area.
- (b) Unregistered signs. No permit or registration is required for the signs described below:
- (1) Off-premise message boards on sign structures serving at least four (4) individual advertisers (businesses, churches, civic groups).
 - (2) On-premise signs displaying notices of construction projects, business sales, or rentals not exceeding three (3) square feet in area.
 - (3) On-premise address and or ownership signs less than six (6) square feet in area, displaying only the name of the property, premises, owner, or lessee of the property.
 - (4) Political campaign signs not exceeding four (4) square feet in area in residential districts, and no more than sixteen (16) square feet in all other districts. Only one (1) sign may be erected per candidate per premise, with no sign erected for more than forty-five (45) days prior to an election. All campaign signs shall be removed within two (2) days after an election. Campaign signs shall not be allowed on any public property within the City of Rockwood..
 - (5) Special event signs such as yard sales or garage sales, lost pets, and notices of civic, religious, club or philanthropic events shall not exceed twelve (12) square feet in area, may be erected only on private property for a period not to exceed fifteen (15) days prior to the event advertised. All special event signs shall be removed within two (2) days following the conclusion of the subject event.
 - (6) Directional signs of no more than one (1) square foot in area meant for the purpose of traffic flow on a site, such as those dealing with parking or loading areas.
 - (7) On-premise wall signs advertising on-site businesses or their product or services.

- (8) Window signs advertising an on-site business or its products or services.
- (10) Permanent display of flags, banners, and other symbols of any legitimate government recognized by the Rockwood City Council.

(c) Size and Height.

- (1) Signs other than billboards are limited to twenty-five (25) feet in height and one hundred fifty (150) square feet in area.
- (2) Billboards. The maximum surface display shall be three hundred sixty (360) square feet per side. The maximum height shall be forty (40) feet, as measured from the uppermost portion of the display area to the finished grad at street level.

(d) Location and setbacks.

- (1) Public lands. No advertising or promotional signs shall be placed within the public right-of-way or other public easements, including utility easements, except at designated sites.
- (2) Public safety. Signs shall be located so as to avoid creating safety hazards. Generally signs shall not be located in "No Sign" areas. Petitions to locate signs in such zones shall be reviewed for approval by the Board of Zoning Appeals and must be accompanied with an evaluation from the police department and the building official.
- (3) No sign area. No sign shall be placed in an area that would obstruct vision, according to the provisions of Section 14-307, Obstruction to vision near street right-of-way prohibited.
- (4) No permanent signs area. Paralleling certain public streets, and measured three (3) feet from rear of sidewalk or curb, or five (5) feet from edge of the pavement or traffic land where no sidewalk or curb exist.
- (5) Restricted area. Paralleling certain public streets, and measured three (3) feet from rear of sidewalk or curb, or five (5) feet from edge of the pavement or traffic land where no sidewalk or curb exist. No obstruction shall be erected between four and six feet above the ground.

- (6) Lighting. Illuminated signs shall not be located so that light either shines, or is reflected, onto property zoned and used for residential purposes.
- (7) Visual maintenance. No ground sign shall be located in the area four (4) feet above ground level and below eight (8) feet above ground level and within five (5) feet of the roadway except by special permit.
- (8) Maximum heights. No ground sign shall exceed twenty-five (25) feet in height measured at the base of its support from the ground to the highest point of the message board except by special permit.
- (9) Maximum area. No ground sign shall exceed one hundred and fifty (150) square feet in area, other than a billboard.
- (10) Billboards. No billboard shall be permitted within one thousand (1,000) feet another billboard nor four hundred (400) feet to an existing residential structure. No billboard shall be placed outside of a designated C-2, Highway Commercial or M-1 or M-2 Industrial Zoning District.

A billboard may be on a tract with another principal building provided no required parking is reduced.

Billboards may be illuminated provided illumination is concentrated on the billboard surface and is not reflected onto a street.

Digital billboards are permitted and EMCs shall be equipped with a sensor that automatically adjusts the billboard brightness to comply with 0.3 foot-candles measurements. The sensors shall be factory certified as capable of complying with the aforementioned brightness standards. Each advertising display shall have a minimum eight (8) second dwell time. No animation, scrolling, or video is allowed.

- (e) Temporary signs. The zoning officer may issue permits for temporary signs for periods not to exceed thirty (30) days. The Board of Zoning Appeals shall approve permits for temporary signs to exceed thirty (30) days. No temporary permit shall be issued for a period exceeding six months.

14-605. Swimming Pools. Private swimming pools are permitted in all residential 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.

- (1) Swimming pools are allowed in rear and side yards provided they and associated appurtenances (aprons, walks, and equipment rooms) meet the setback requirements for accessory structures for the district in which they are located.
- (2) Any swimming pool that can hold water to a depth of two (2) feet or greater shall be secured by a fence at least four (4) feet in height and have an alarm system that comply with the applicable International Building Codes.

14-606. Mobile Homes.

The following shall apply to the use of mobile homes on individual lots and within mobile home parks and mobile home subdivisions:

(1) Definitions.

- (a) Chassis. A frame usually constructed of metal used to support a structure and has either permanent or detachable wheels used to transport the structure.
- (b) Foundation. The primary supporting base of a structure. It is at least partially underground and is usually constructed of masonry or concrete.
- (c) Individually sited. A single mobile home unit located on an individual lot approved for single family dwelling.
- (d) Manufactured home. A building predominately constructed in a manufacturing facility that is transported in two or more sections to the location where it will be permanently sited, connected to utilities, and used as a residence. In accordance with section 13-24-201 of the *Tennessee Code Annotated*, manufactured homes are permitted in any zoning district where site-built residences are allowed.
- (e) Mobile home. A building constructed in a manufacturing facility that is transported in one section on a chassis to the location where it will be permanently sited, connected to utilities, and used as a residence.
- (f) Mobile home park. A parcel of land under single ownership on which two or more mobile homes are occupied as residences. Mobile home parks are generally available primarily for the rental of mobile home units and or lots.
- (g) Mobile home stand or pad. The part of an individual lot which has been reserved for placement of the mobile home unit.
- (h) Set up. The point in time that a mobile home unit is legally connected to utilities services.

- (i) Skirting. Metal or masonry building material attached to but not supporting a manufactured home and used as underpinning for such homes.
 - (j) Tie downs or hurricane straps. Devices designed for anchoring a mobile home to ground anchors. Ground anchors are devices designed to secure the unit to the ground.
 - (l) Underpinning. Any building material used to enclose a foundation and restricting visibility and access to the area or space between the ground and the floor of a structure.
- (2) Standards and requirements applicable to all residential mobile homes.
- (a) Permits and application procedure. A permit is required before any mobile home unit shall be located or relocated within the corporate limits of the city. Permits may be issued by the building inspector after submission and approval of the site plan showing the anticipated location of the unit on the lot and service connections. The approved site plan shall be considered a temporary permit until proper inspections are completed and the building inspector verifies that the unit and its installation meets federal, state, and local requirements and standards. Upon verification of compliance, the building inspector shall issue a mobile home occupancy permit.
 - (b) Federal and State standards. The most recent National Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, the Tennessee Uniform Standards Code for Factory-Manufactured Structures and Recreational Vehicles, subsequent amendments and other appropriate regulations shall apply to all mobile homes being located or relocated within the municipality.
 - (c) Local requirements. In addition to the requirements of applicable building codes, the following shall apply:
 - (1) Electric, water, wastewater, and other public service connections shall not be made unless an approved temporary permit is available.
 - (2) Individually sited units, except as provided in Section 4 below, shall be approved for owner occupancy only; however, upon approval by the Board of Zoning Appeals, a unit to be occupied by its owner may be located upon a leased lot or land parcel. Proof of ownership shall be required.
 - (3) Units shall be underpinned and anchored using appropriate tiedowns.

14-607. Mobile Home Parks. Mobile home parks shall be proposed for location in an R-3 Residential District. All mobile home units shall comply with the provisions of Section 14-606, above. Mobile home subdivisions shall be developed in accordance with the Rockwood Regional Subdivision Regulations.

- (1) General requirements for mobile home parks.
 - (a) Minimum area. The site shall be at least one (1) acre in area and shall not be developed at a density exceeding the provisions of (2)(f),
 - (b) Ownership. The site shall be in single ownership, or the developers shall provide written contractual documentation binding parties owning separate lots of record to an agreement that clearly identifies responsibility for the operations and maintenance of the park.
 - (c) Access. The site shall have direct access to an accepted public street.
 - (d) Maintenance. The owner of any mobile home park shall be responsible for the general maintenance and appearance of the park.
 - (e) Operations. The owner of the park shall be held responsible for compliance with local health and safety requirements and the provisions of 14-606 whether individual dwelling units are leased rented or owned by the tenant or others.
 - (f) Services. The owner of the park shall insure the availability of adequate utilities, recreation/open space, storage, parking, and garbage and trash disposal.
 - (g) Site plan required. A site development plan shall be presented and approved by the planning commission before a permit for a mobile home park can be issued.
- (2) Site plan requirements. All site plans shall meet the requirements of section 14-610. The site plan, as approved by the planning commission, shall provide the standards for developing the mobile home park. The plan shall show that the development is adapted to the individual site conditions and the type of market to be served. It shall reflect advances in site planning techniques and show adaptability to trends in mobile home designs. The plan shall show a reasonable attempt to utilize existing terrain, trees and other natural features of the site. The plan shall also reflect the following:
 - (a) Arrangement of structures and facilities. The site, including mobile home stands, patios, structures, and all site improvements, shall be harmoniously and efficiently organized in relation to the topography, the shape, size, and

position of structures and common facilities. Full attention shall be paid to use, appearance and livability.

- (b) Protection from adverse influences. Adequate protection shall be provided against undesirable on-site and off-site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic, or brightly lighted activities, dumpsters, etc.).
- (c) Design. The site plan shall provide for a desirable residential environment for mobile homes, which is an asset to the community in which it is located. Innovation and imaginative design shall be encouraged, monotony avoided.
- (d) Pads. The mobile home stand (pad) shall provide for practical placement on and removal from the lot and retention of the home in a stable condition and in satisfactory relationship to its surroundings. Its size shall accommodate the dimensions of the mobile homes anticipated and the location shall be at such elevation, distance, and angle in relation to the access street and the mobile home accessway that placement and removal is practical.
- (e) Pad grades. Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons shall be used. There shall be a longitudinal gradient of 0% to 5% and an adequate crown or cross gradient for surface drainage.
- (f) Open space depth. Open space depth is the clear open space that lies in any direction away from a mobile home stand at any point on the mobile home stand. It is measured on a line which is perpendicular (at right angles) to the stand line. This depth shall equal, at any point measured, no less than 4 feet plus 10% of the length of the stand. For purposes of design, the cutline of the actual mobile home proposed and the outline of the mobile home stand are considered the same.
- (g) Distance between mobile homes. The distance between mobile homes or mobile home stands shall not be less than the sum of the open space depth figured for each opposing mobile home stand. If structural additions to a mobile home are anticipated in the planning program, design distances between mobile homes must be computed on the assumption that the addition is already a part of the mobile home.
- (h) Alternate open space depth. Once a minimum lot width has been established applying determination of distances as described in paragraph (g) above, a limited number of stands in any one park may incorporate an alternate total open space depth between two mobile homes of six (6) feet. In such instances, the two mobile homes must be placed on their respective lots in such a way as to maximize the open space available on the patio or outdoor living area side of the mobile homes in question. Increased site livability is

the only objective for the application of this exception and in no case will the clustering of two mobile homes near a common lot line result in a reduction in lot size.

- (i) Distance across streets. The distance from the line or corner side of the mobile home stand to any stand on the opposite side of a street shall be 36 feet minimum.
 - (j) Distance to common areas. The distance from the line or corner of the mobile home stand to a street pavement, a common parking area, a common walk or other common area shall be eight (8) feet minimum.
 - (k) Site buffers. The distance from the line or corner of any mobile home stand to a boundary line of the development shall be adequate to protect the residential use in the development and in any case shall not be less than 15 feet. The outer boundary of the site shall be buffered; preferably with live planting or neatly maintained natural vegetation.
 - (l) Lot lines. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means.
 - (m) Site improvements. The site plan shall show the improvements included in Section 3 below and the developer is encouraged to include improvements suggested in Section 4 below.
- (3) Required site improvements. Mobile home park developers are required to make the following site improvements and to show these proposed improvements in the site plan. Limited exceptions to these provisions may be allowed in development proposals affecting less than two (2) acres, if recommended by the planning commission and approved by the board of zoning appeals.
- (a) Streets. All streets in the mobile home park shall meet the minimum street design and construction standards as required by local codes, ordinances, and regulations, or as follows:
 - (1) Recognition of existing facilities. The streets system shall be designed to recognize existing easements, utility lines, etc., which are to be preserved; and to permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.
 - (2) Circulation. The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Closed ends of dead-end streets shall be provided either with an adequately paved vehicular turning circle at least 80 feet in diameter, or with another adequate turning facility.

- (3) Pavement widths. Pavements shall be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of streets:

All entrance streets and other collector streets with guest parking on both sides - 36' minimum (reduce by 2' if adjacent sidewalk is provided).

Collector street with no parking - 30' minimum.

Minor street with parking on one side - 28' minimum.

Minor or cul-de-sac street with no parking minimum.

One-way street with no parking (generally acceptable only if less than 500' total length and serving less than 25 mobile home stands) - 12' minimum.

- (4) Alignment and gradient. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety, satisfactory surface and ground water drainage, and properly functioning of sanitary and storm sewer systems.
- (5) Intersection. Street intersections shall generally be at right angles. Offsets at intersections or more than two streets at one point shall be avoided.
- (6) Extension of improvements. The street improvements shall extend continuously from the existing improved street system to the site. They shall provide suitable access to the mobile home stand and other important facilities on the property, adequate connections to existing or future streets at the boundaries of the property, and convenient circulation for vehicles.
- (7) Grading. Streets shall be graded for their full width to provide suitable finish grades for pavement and any sidewalks with adequate surface drainage and convenient access to the mobile home stands and other important facilities on the property.
- (8) Edging. Pavement and surfacing other than cement concrete shall be protected at the edges by suitable means where necessary to prevent raveling of the wearing surface and shifting of the pavement base.
- (9) Subgrade. The subgrade shall be well-drained, uniformly graded, and compacted.

- (10) Flexible pavement. The base shall be a minimum of six (6) inches thick and composed of crushed stone, gravel, or other appropriate durable material compacted to the maximum practical density. The wearing surface shall be of hot bituminous concrete a minimum of 1-1/2 inches thick compacted to the maximum practical density.
- (11) Rigid pavement. Where Portland Cement concrete is used it shall not be less than five inches thick on a prepared subgrade constructed in accordance with accepted practices, with expansion joints where driveways and walk abut each other or the curb.
- (12) Seasonal limits. Streets shall be laid during favorable weather conditions; subgrade and base shall be frost-free.
- (a) Accessways. Accessways shall be provided to each mobile home stand for maneuvering the mobile home into position. The access shall be kept free from trees and other immovable obstructions. The width of the accessway shall be a minimum of 12 feet or the width required by current mobile home models plus extra width necessary for maneuvering a mobile home on a curve. The accessway shall have safe alignment and gradients adequate to prevent contact of the undercarriage of the mobile home. Pavement of the reserved accessway is not required; use of planks, steel mats, or other means during the placement of a mobile home is considered satisfactory for the infrequent moves occurring with non-transient occupancy.
- (b) Driveways. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for fuel, refuse and other materials and elsewhere as needed. The driveway designed to serve a single facility or single mobile home lot shall be a full width driveway. Generally it shall be a minimum of eight (8) feet wide. If it is used as a walk, generally it shall be a minimum of ten (10) feet. The entrance shall have the flare or radius adequate for safe and convenient ingress and egress. The horizontal alignment shall be safe and convenient to enable backing cars out, or to provide adequate turnaround. Gradient between vertical transitions generally not more than 1-3/4 inches per foot (14%). Vertical transition adequate for riding comfort and to prevent contact of car undercarriage or bumper. Crown or cross slope generally not less than 1/8 inches per foot (1%).
- (c) Parking. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one (1) space for each mobile home lot plus an additional space for each four (4) lots to provide for guest parking, for two car tenants, and for delivery and service vehicles. Required parking

spaces shall be located for convenient access to the mobile home stand. Usually one car space shall be located on each lot and the remainder located in adjacent parking bays. Regardless of the parking space angle, the parking space shall be a 9' x 18' rectangle.

- (d) Utilities. All water, wastewater, electrical, and other service facilities shall be installed as required by local codes, ordinances, and regulations. Water service and facilities shall be adequate for fire protection.
 - (e) Storm drains. The site, pads, and other areas shall be properly drained to prevent flooding, standing water and wet areas.
 - (f) Landscaping. The site shall be grassed and planted to retard dust accumulation and erosion.
- (4) Other site improvements. The developer is encouraged to include additional site improvements that will enhance the livability and aesthetic quality of the mobile home park. Such improvements may be favorably looked upon as site conditions may require deviations from the requirements of these and other regulations. Examples of additional improvements and conditions that may warrant special consideration are listed below. The developer is encouraged to consult the most recent edition of the Department of Housing and Urban Development's handbook, Minimum Design Standards for Mobile Home Parks.
- (a) Outdoor living areas. In developments that meet minimum acreage requirements, but the terrain reduces the number of units the site will accommodate, the developer may wish to provide private outdoor living and service areas.
 - (b) Pedestrian walks. The terrain or shape of the site may require narrower streets than are normally permitted. Special consideration of narrower streets may be linked to the provisions of separate pedestrian walks.
 - (c) Other examples of site improvements. The planning commission and the board of zoning appeals may give special consideration where the following are included: extra storage areas for tenants, laundry and recreational facilities, and permanent on-site management facilities.
- (5) Existing mobile home parks and individual site Class B and Class C mobile homes may be granted certain benefits upon substantial compliance with provisions 14-606 (3) for individually sited units and the provisions of 14-607 for mobile home parks and or provisions and conditions recommended by the planning commission and approved by the board of appeals. In order for these benefits, application for consideration shall be submitted to the building official within 90 days of the effective date of this chapter.

14-608. Manufactured Homes. Each manufactured home, exclusive of any mobile home, shall be placed on a permanent masonry foundation constructed on footings situated under its periphery, shall have a permanent stoop on its front and back, and shall have the same building permit fee as that required for a site built home. (See mobile home standards described in Sections 14-606 and 14-607).

14-609. Natural Resource Recovery Operations. The purpose of this section is to permit the exploration for a recovery of natural resources within the corporate limits of the City of Rockwood and to provide for the regulation of such recovery operations.

- (1) All persons or entities desiring to engage in explorations for, or the recovery of natural resources shall appear before the Rockwood Regional Planning Commission, the Rockwood Board of Zoning Appeals, and the Rockwood Building Inspector, and present a proposal for natural resource exploration and/or recovery.
- (2) The planning commission shall review the proposal and determine if the applicant intends or has the capacity to comply with applicable federal, state, county, and municipal regulations of natural resource recovery operations; the following federal and state regulations and subsequent amendments and related legislation shall be deemed applicable and shall be used as guides for determining operating and performance standards:
 - (a) Federal Mine, Safety, and Health Act of 1977.
 - (b) Surface Mining Control and Reclamation Act of 1977.
 - (c) Tennessee Laws & Regulations Governing Mines & Mining.
 - (d) Tennessee Surface Mining Law.
 - (e) Oil and Gas Laws of Tennessee
 - (f) Mines Hole Regulations Act.
- (3) The planning commission may propose changes and modifications to the applicant's natural resource exploration and/or recovery proposal to insure that the operation is not in conflict with needs of the district in which the operation is to be located.
- (4) The planning commission shall recommend to the Board of Zoning Appeals that the applicant be granted or denied an operating permit;
- (5) The Board of Zoning Appeals shall review the applicant's proposal and the recommendations and findings of the planning commission and may require

additional conditions. The Board of Zoning Appeals shall determine that an operation permit shall be issued or denied and shall within ten (10) days of such determination notify the building inspector, by letter, of its determination.

- (6) The building inspector, upon receipt of a letter authorizing the issuance of a permit, shall within three (3) days give public notice in at least two newspapers of general local circulation. Such notice shall list the area proposed for the exploration and/or recovery operation, the current zoning classification, the name of the applicant and the date upon which the permit will be issued. The date shall be ten (10) working days following publication of the public notice. This notice shall further invite citizens' comments to be addressed to the building inspector. Comments must be received before the date of permit issue.
- (7) If no comments opposing the permit are received, the building inspector shall issue the permit. If comments opposing the permit are received, they will be forwarded to the chairman of the planning commission. The planning commission shall within thirty (30) days, and after giving adequate public notice, hold a public hearing, after which the planning commission shall provide a report to the city council. The report may or may not contain recommendations.
- (8) The city council, in regular session, shall review the report and determine if the building inspector shall deny or issue the permit.

14-610. Site Plan Review Standards. The general purpose and intent of this section is to require site plans for all new development or redevelopment of commercial, industrial, multi-family, public, or semi-public uses to provide for a lessening of traffic congestion and for ensuring the public's health, safety, and welfare.

All site plans shall be approved by the planning commission as consistent with this ordinance prior to the issuance of grading or building permits. However, site plans for additions to a parcel of ½ acre or less in size proposed for an existing building, may be exempt from planning commission review when, in the opinion of the building official and planning staff, the addition is in compliance with existing regulations and will not adversely affect the general purpose and intent of these regulations.

- (1) General Provisions:
 - (a) All site plans shall be prepared and certified by a licensed engineer, architect, and/or a registered land surveyor.
 - (b) All drawings shall be at a scale of not less than 1" = 20' for small tracts and not less than 1" = 50' for larger tracts.
 - (c) All site plans shall show the following information:

- (1) Dimensions and calls of all property lines.
 - (2) Topography of existing and finished grades with two (2) foot contours preferably or a minimum of five (5) foot contours
 - (3) Location of all areas subject to flooding.
 - (4) Dimensions and calls of all property lines.
 - (5) Zoning classification of site and proposed use of site.
 - (6) North point, scale, acreage of site, and location map.
 - (7) Location and dimensions of all existing and proposed structures, including signs, street rights-of-way, sidewalks, easements, and covenants.
 - (8) Locations and dimensions of all existing and proposed buildings or structures, including signs.
 - (9) Plans, location and dimensions for vehicular and pedestrian circulation, site utilities, solid waste disposal, off-street parking and stormwater drainage control.
- (2) Signs. Sign size and placement shall be governed by the provisions of Section 14-604 of this zoning ordinance.
 - (3) Off-Street Parking. The off-street parking and loading and unloading areas, points of ingress and egress and driveway dimensions and locations shall be governed by the provisions of Section 14-308 through Section 14-310 of this zoning ordinance.
 - (4) Waste Disposal. All waste disposal facilities shall be screened by fencing, walls, or evergreen plant material in such a way that they are not visible from any public street or an adjoining property.
 - (5) Stormwater Drainage. A certified plan for stormwater drainage shall be included with the site plan for all new developments ½ acre in size or more that identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten-year, 24-hour storm event shall be calculated for pre-development and post development. If the amount of runoff determined by the study is proposed for direct discharge into the city's stormwater sewer system, signed approval by Rockwood Utility is required. In all other cases, the amount and rate of runoff shall not be increased and shall be accommodated on site.

- (6) Site Improvements Bond. Prior to issuance of a certificate of occupancy, the building official shall make a determination regarding whether or not all site improvements, as set out in this ordinance and the approved site plan, have been properly made and/or installed. If not, prior to the issuance of a certificate of occupancy, the building official and planning commission shall determine the amount, form, and term of surety that must be established and must secure such guarantee for the purpose of ensuring a timely completion of the required site improvements.
- (7) Issuance of Building Permits. No building permit shall be issued until the building official receives a site plan which bears the signed certificates of public utilities and signed certificate of the site plan's approval by the planning commission. (See Appendix).
- (8) Expiration of Approved Site Plan. Approval of a site plan shall expire six (6) months from the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the approved project.

14-611. Temporary Structures. It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to: cars, vans, trucks, or buses), tents and tent-type structures, factory built or factory assembled structures designed for conveyance after fabrication, either on their own wheels, flatbed truck, or other trailers on any residential, commercial, or industrial lot within the city for the purpose of assembly, or for business, educational, hazardous, institutional, mercantile, residential, or storage occupancies, except as noted herein.

- (1) Permitted Temporary, Mobile, Factory-Built, or Factory Assembled Structures.

The following structures shall be allowed subject to the provisions of this and other applicable sections of this zoning code and upon obtaining the proper permits from the building official:

- (a) Mobile homes located in approved mobile home parks, or located on individual lots as regulated by Section 14-606 and 14-607 of this zoning code.
- (b) Modular buildings for residential or non-residential use as regulated by Section 14-606 of this zoning code.
- (c) Temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction.
- (d) Customary accessory storage buildings located on approved residential lots.
- (e) Tents used by a person, firm, corporation, or group as an assembly for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited

time not to exceed thirty (30) days with proper permit received from the building official.

- (2) Replacement of Nonconforming Mobile Home Dwellings. Replacement of all nonconforming mobile homes is regulated by Section 14-303 of this zoning code.
- (3) Establishment of New or Expansion of Existing Mobile Home Parks and Travel Trailer Parks. Mobile home parks shall be subject to the provisions of Section 14-607 and 14-608 of this zoning code. Travel trailer parks shall be considered as PUDs and the establishment or expansion of travel trailer parks shall be subject to the provisions of Section 14-612 of this zoning code.

14-612. Planned Unit Development. A development which is proposed and approved by the planning commission prior to the issuance of a building permit. The development shall be under single entity control, may be developed in phases, shall be proposed for an area of at least 1-acre, and may include mixes or combinations of uses. A development concept plan shall first be approved by the planning commission prior to the submission of a final plan. The planning commission may recommend variances and waivers to the Board of Zoning Appeals, provided such recommendations are based upon acceptable planning, land use, construction, and development practices or standards.

14-613. Cellular Communications Facilities. The following shall apply to all proposed Cellular Communication Facilities. Such facilities include: cellular communications towers; extensions of towers, buildings, or other structures; and proposed antennas, electrical equipment, and base stations.

- (1) Definitions. The following definitions are in effect.
 - (a) Antenna. One or more rods, panels, discs, or similar devices used for wireless communication, which may include, but is not limited to, omnidirectional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
 - (b) Antenna Array. Two or more antenna and associated hardware located on a single tower, pole, building or other structure.
 - (c) Base Station. An area where the tower, shelters, and associated equipment are located. Base stations are normally designated by fencing.
 - (d) Colocation. The location of two or more antenna and/or transmission equipment by separate wireless providers on a single tower or structure.
 - (e) Distributed Antenna System (DAS). A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the coverage area.

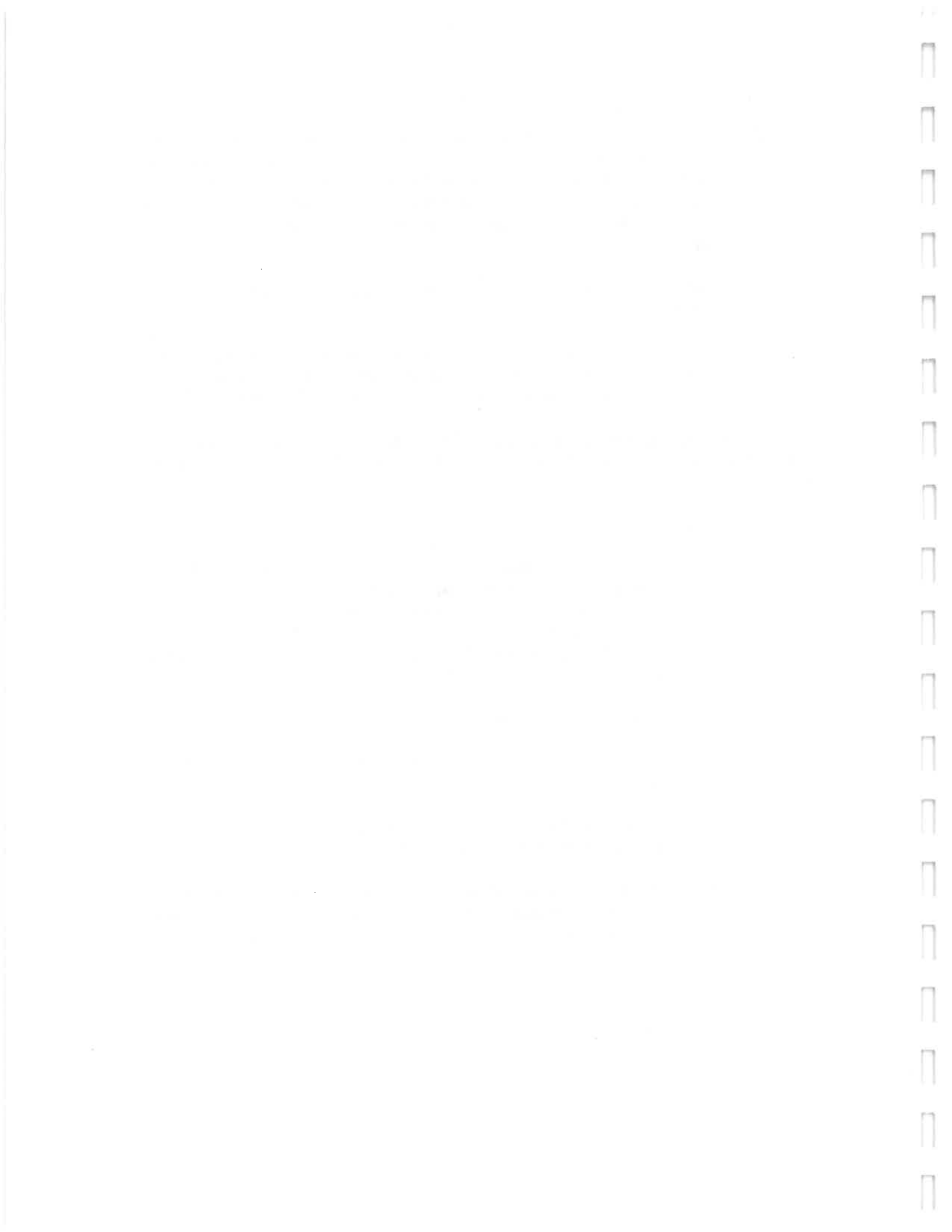
- (f) Equipment Shelter. A building containing ground related WCF equipment.
 - (g) Shroud. An object or material that envelops and obscures antenna from view.
 - (h) Small Cells. Compact wireless base stations containing their own transceiver equipment and function like cells in a mobile network but provide a smaller coverage area than traditional cell towers.
 - (i) Tower. A vertical structure constructed for the purpose of supporting antenna and equipment for wireless communication services.
 - (j) Tower, Lattice. A lattice tower is a freestanding framework tower.
 - (k) Tower, Type A. A monopole tower whose antenna are enclosed within the pole, a canister, or similar structure to minimize the visual impact of antenna.
 - (l) Tower, Type B. A monopole tower whose antenna are external rather than concealed internally.
 - (m) Transmission Equipment. Equipment that facilitates transmission including antennas, coaxial or fiber-optic cables and any other equipment associated with the transmission of wireless communications.
 - (n) Wireless Communication Facilities (WCF). A facility used for the transmission or reception of wireless signals or communications including antenna, transmission equipment, wires/cables, and associated cabinets or structures.
- (2) **Site Plan Requirement**. A site plan is required for any proposed communications tower and/or facilities. The site plan shall show existing and proposed: towers, property lines, access drives, fencing, screening, landscaping, poles, buildings, structures, driveways, and roads within 200 feet of the proposed tower. Antenna proposed for existing towers, structures, or buildings are exempt from this requirement.
 - (3) **Colocation Required**. Colocation of antenna and associated facilities is required unless there are no other options. Tower proponents shall provide documentation detailing engineering or other evidence that antenna/facilities cannot be located on an existing tower, building, or structure before site plan consideration of a proposed tower.
 - (4) **Tower Location**. New towers shall:

- (a) Be proposed only as a last resort where no other antenna options are available.
- (b) Be designed to accommodate antennae for three wireless service providers.
- (c) Have preferred locations in the following hierarchy. Documentation is required detailing reasons a tower is proposed in the lower rungs of the hierarchy.
 - (1) M-1 and M-2 industrial districts.
 - (2) C-2, Highway Business District.
 - (3) A-1, Agricultural District.
 - (4) C-1, Central Business District.
 - (5) C-3, Neighborhood Business District.
 - (6) R-1, R-2, R-3, R-4 residential districts.
- (d) Be located in accordance with tower type, as stated below.
 - (1) Type A (Monopole) towers/facilities are required in the R-1, R-2, R-3, R-4, C-1, and C-3 zoning districts. Canisters or similar shrouds housing the antenna and equipment shall not exceed 48 inches in height and 16 inches in width.
 - (2) Type B (Monopole) towers/facilities and lattice towers are allowed in the A-1, C-2, M-1, and M-2 districts. Panel style antenna shall not exceed 30 inches in height and 12 inches in width.
- (5) Tower Setback Requirements. In the A-1, R-1, R-2, R-3, and R-4 districts, towers shall be set back from property lines and occupied buildings one hundred (100) percent of the height of the tower. In the C-1, C-2, C-3, M-1, and M-2 district, towers shall be set back from property lines and occupied buildings fifty (50) percent of the height of the tower. However, the planning commission may allow a lesser setback equal to the tower's engineered fall zone provided it is supported and certified by a licensed engineer.
- (6) Antenna Locations. Antenna may be located on existing public or private towers, structures, or buildings provided there is a leasing agreement between the two parties. Antenna may not exceed ten (10) feet in height above the existing building, tower, or structure on which they are to be located.

- (7) **Antenna Concealment.** Antenna shrouds are required for all antenna located in the R-1, R-2, R-3, R-4, C-1, and C-3 zoning districts. Shrouds may be canisters, tubes, boxes, or other symmetrical enclosures that obscure antenna from view. In appropriate situations, antenna shrouds may be permitted on structures such as signs, steeples, planters, flagpoles, streetlight poles or fixtures, and similar structures.
- (8) **Equipment.** Equipment shall be located in a single vault at the base of the tower unless a base station is needed.
- (9) **Base Stations.** Towers with base stations shall have security fencing and shall be completely screened from view to a height of six (6) feet. The screening material may be natural or planted evergreen vegetation no less than ten feet wide.

14-614. Bed And Breakfast Inns and Homestays. The following shall apply to all proposed bed and breakfast inns and bed and breakfast homestays, as defined in Definitions section.

- (1) **Requirements.**
 - (a) **Site Plan Requirement.** A site plan is required for any proposed bed and breakfast inn or homestay. The site plan shall be drawn to a scale of 1" = 20' and show existing and proposed: buildings and their dimensions; landscaping; driveways; parking; and drainage facilities. A site plan for an inn shall be completed by a licensed surveyor or engineer. A site plan for a homestay can be hand drawn to scale.
 - (b) Must be owner occupied.
 - (c) No non-resident employees except for yard and landscaping personnel are allowed.
 - (d) **Signs:** Maximum four (4) foot square sign in residential districts. Must meet sign size for commercial districts.
 - (e) **Parking.** Off-street parking is required for any Bed and Breakfast Inn or Homestay. Two parking spaces plus one space for each guest room are required. Guest parking shall be located in the rear of the property.



CHAPTER 7

MUNICIPAL FLOODPLAIN ZONING REGULATIONS

SECTION

- 14-701. Statutory Authorization, Findings of Fact, Purpose, and Objectives.
- 14-702. Definitions.
- 14-703. General Provisions
- 14-704. Administration
- 14-705. Provisions for Flood Hazard Reduction
- 14-706. Variance Procedures
- 14-707. Legal Status Provisions

14-701. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

(1) Statutory Authorization.

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

(2) Findings of Fact

- (a) The City of Rockwood Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
- (b) Areas of the City of Rockwood, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(3) Statement of Purpose

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

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

(4) Objectives

The objectives of this Ordinance are:

- (a) To protect human life, health, safety and property;
- (b) To minimize expenditure of public funds for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
- (f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
- (g) To ensure that potential homebuyers are notified that property is in a floodprone area;
- (h) To maintain eligibility for participation in the NFIP.

14-702. Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

- (1) Accessory structures shall only be used for parking of vehicles and storage.
- (2) Accessory structures shall be designed to have low flood damage potential.

- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (4) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- (5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

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

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

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

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

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

"Building" see **"Structure"**.

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

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

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

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

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

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

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

"Existing Structures" see **"Existing Construction"**.

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

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

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

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

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

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

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

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

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

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

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

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

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

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

"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, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

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

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

"Historic Structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of

the Interior as meeting the requirements for individual listing on the National Register;

- (2) 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;
- (3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on the City of Rockwood Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (a) By the approved Tennessee program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior.

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

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

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

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

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

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

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

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

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

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

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

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

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck;
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual

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

"State Coordinating Agency" the Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"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 percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

"Variance" is a grant of relief from the requirements of this Ordinance.

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

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

14-703. GENERAL PROVISIONS

(1) Application

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

(2) Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Rockwood, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Anderson County Federal Emergency Management Agency Number 47001CV000B, Community Panel Numbers In Anderson County, 47001C0205F, 47001C0210F, 47001C0212F, 47001C0214F, 47001C0215F, 47001C0216F, 47001C0218F dated January 17, 2007; in Morgan County Federal Emergency Management Agency Number, 47129CV000A, community panel number 47129C0375C dated June 18, 2007; and Roane County Federal Emergency Management Agency Number 47145CV000B and community panel numbers 47145C0036F, 47145C0037F, and 47145C0039F dated September 28, 2007 along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

(3) Requirement for Development Permit

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

(4) Compliance

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

(5) Abrogation and Greater Restrictions

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

(6) Interpretation

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

(7) **Warning and Disclaimer of Liability**

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

(7) **Penalties for Violation**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Rockwood, Tennessee from taking such other lawful actions to prevent or remedy any violation.

14-704. **ADMINISTRATION**

(1) **Designation of Ordinance Administrator**

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

(2) **Permit Procedures**

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

(a) **Application stage**

- (1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

- (2) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- (3) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Section 14-705, Subsections (1) and (2).
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

or all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

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

(3) Duties and Responsibilities of the Administrator

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

- (a) Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (c) Notify 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 submit evidence of such notification to FEMA.
- (d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- (e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- (f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 14-704, Subsection (2).
- (g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 14-704, Subsection (2).
- (h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 14-704, Section(2).
- (i) 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), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (j) When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Rockwood, Tennessee FIRM meet the requirements of this Ordinance.
- (k) Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

14-705. PROVISIONS FOR FLOOD HAZARD REDUCTION

(1) General Standards

In all areas of special flood hazard, the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) 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;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
- (j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
- (k) All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

- (l) All subdivision proposals and other proposed new development proposals shall meet the standards of Section 14-705, Section (2);
- (m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- (n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

(2) **Specific Standards**

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 14-705, Section (1), are required:

(a) **Residential Structures**

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 14-702). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

(b) **Non-Residential Structures**

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade

(as defined in Section 14-702). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential 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 Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 14-704, Section 2.

(c) Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, 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.

- (1) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - (a) 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;
 - (b) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (2) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- (3) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 14-705, Section 2.

(d) Standards for Manufactured Homes and Recreational Vehicles

- (1) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - (a) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - (b) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 14-702).
- (3) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Section 14-705, Sections (1) and (2).
- (4) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (5) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - (c) The recreational vehicle must meet all the requirements for new construction.

(d) Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- (1) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision and other proposed new development 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 and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 14-705, Section (5)).

(3) **Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated**

Located within the Special Flood Hazard Areas established in Section 14-703, Subsection (2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Rockwood, Tennessee and certification, thereof.
- (b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 14-705, Sections (1) and (2).

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

Located within the Special Flood Hazard Areas established in Section 14-703 Subsection (2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

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

- (b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 14-705, Sections (1) and (2).

(5) **Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)**

Located within the Special Flood Hazard Areas established in Section 14-703, Subsection (2), where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- (a) The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 14-705, Subsections (1) and (2).
- (b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
- (c) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 14-702). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 14-704, Subsection (2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 14-705, Subsection (2).
- (d) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee 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 City of Rockwood, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 14-705, Subsections (1) and (2). Within approximate

A Zones, require that those minor subsections of Section 14-705, Subsection (2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in Section 14-703, Subsection (2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Section 14-705, Subsections (1) and (2), apply:

- (a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of 14-705, Subsection (2).
- (b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 14-704, Subsection (2).
- (c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Section 14-703, Subsection (2), are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Sections 14-704 and 14-705 shall apply.

(8) Standards for Unmapped Streams

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

- (a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee 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.
- (b) When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 14-704 and 14-705.

14-706. VARIANCE PROCEDURES

(1) Municipal Board of Zoning Appeals

(a) Authority

The City of Rockwood, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

(b) Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

(c) Appeals: How Taken

An appeal to the Rockwood Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$10.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a

reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than sixty (60) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers

The Rockwood Municipal Board of Zoning Appeals shall have the following powers:

(1) Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

(2) Variance Procedures

In the case of a request for a variance the following shall apply:

- (a) The City of Rockwood, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- (b) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, 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 necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- (c) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - (1) The danger that materials may be swept onto other property to the injury of others;
 - (2) The danger to life and property due to flooding or erosion;
 - (3) The susceptibility of the proposed facility and its contents to flood damage;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) 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;
- (10) 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, water systems, and streets and bridges.

(d) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

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

(2) Conditions for Variances

- (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 14-706, Subsection (1).
- (b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- (c) 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 Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- (d) The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

14-707. LEGAL STATUS PROVISIONS

(1) Conflict with Other Ordinances

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

(2) Severability

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

(3) Effective Date

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

Approved and adopted by the City of Rockwood, Tennessee, Board of Mayor and Council.



CHAPTER 8

ENFORCEMENT

SECTION

- 14-801. **Enforcing Officer**
- 14-802. **Building Permit Required**
- 14-803. **Issuance of Building Permit**
- 14-804. **Certificate of Occupancy**
- 14-805. **Records**
- 14-806. **Violations and Remedies**

14-801. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by a building inspector who shall have the power to make such inspections of buildings or premises as are necessary to carry out his duties in the enforcement of this ordinance. The chief legislative body of the City of Rockwood shall appoint the building inspector.

14-802. Building Permit Required. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a building permit for such work.

14-803. Issuance of Building Permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended used of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, and other ordinances of the City of Rockwood, Tennessee, then in force, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing, with the cause.

The issuance of a permit shall, in no case, be construed as waiving any provision of this ordinance. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

14-804. Certificate of Occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed used thereof are found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use

thereof are found to conform with the provisions of this ordinance; or, if such certificate is refused, to state such refusal in writing, with the cause.

14-805. Records. A complete record of application, sketches, and plans shall be maintained in the office of the building inspector.

14-806. Violations and Remedies. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined under the general penalty clause for this code.

In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy of such building, structure, or land.

CHAPTER 9

BOARD OF ZONING APPEALS

SECTION

- 14-901. **Creation and Appointment**
- 14-902. **Procedure**
- 14-903. **Appeals, How taken**
- 14-904. **Administrative Reviews**
- 14-905. **Special Exceptions**
- 14-906. **Variances**

14-901. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members. They shall be appointed by the chief executive officer of the city and confirmed by a majority vote of the city council of Rockwood, Tennessee. The term of membership shall be five (5) years except that the initial individual appointments to the board shall be for terms of one (1) two (2), three (3), four (4), and five (5) years, respectively. Vacancies shall be filled for any unexpired term by appointment by the chief executive officer and confirmation by the chief legislative body of Rockwood, Tennessee.

14-902. 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. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon. Such records shall be public records.

14-903. Appeals, How Taken. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the board all papers constituting the record upon which the action appeal was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

14-904. Administrative Reviews. The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance; and for interpretation of the zoning map as provided in Section 14-402 (2).

14-905. Special Exceptions. The Board of Zoning Appeals shall have the power to hear and decide applications for special exceptions (uses and structure permitted on approval by the Board of Zoning Appeals) as specified in this ordinance and for decisions on any special questions upon which the Board of Zoning Appeals is specifically authorized to pass under this ordinance.

14-906. Variations. The Board of Zoning Appeals shall have the power to hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where, by reason of exceptional topographical conditions or other extraordinary or exceptional situations or condition of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a variance, the board may attach thereto such conditions regarding the location, character and other features or use, as it may deem advisable in furtherance of the purpose of this ordinance.

CHAPTER 10

AMENDMENT AND LEGAL STATUS

SECTION

14-1001. Amendment

14-1002. Legal Status

14-1001. Amendment. Such regulations, restrictions, and boundaries as are provided for in this ordinance may be amended, supplemented, changed, modified, or repealed by the chief legislative body of Rockwood, Tennessee. All changes and amendments shall be effective only after official notice and public hearing.

At least seven (7) days before any public hearing on a proposed rezoning of property, it shall be the duty of the building inspector to post a conspicuous notice of said proposed rezoning in a conspicuous place upon the front of the premises proposed to be rezoned.

No amendment shall become effective unless it is first submitted to and approved by the planning commission, or, if disapproved, shall receive a majority vote of the entire membership of the City Council of Rockwood, Tennessee.

14-1002. Legal Status. In case of conflict this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Rockwood, Tennessee, the more restrictive provisions shall in all cases apply.

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

APPENDIX

CERTIFICATES

Public Water

I hereby certify that public water is available to the proposed project and the project is capable of being served using existing facilities.

Rockwood Water, Sewer, and Gas

Public Sewer

I hereby certify that public sewer is available to the proposed project and the project is capable of being served using existing facilities.

Rockwood Water, Sewer, and Gas

Electricity

I hereby certify that public electricity is available to the proposed project and the project is capable of being served using existing facilities.

Rockwood Electric Utility

Project Drainage

I hereby certify that the proposed drainage facilities will not increase the amount and speed of storm water runoff during a ten-year twenty-four hour storm event, based on predevelopment and post development calculations.

Engineer



City Drainage*

I hereby certify that Rockwood's existing storm drainage facilities can accommodate storm water runoff from the proposed project.

City of Rockwood

*Required where stormwater is directly discharged into the city's stormwater system.

Planning Commission Approval

I hereby certify that the project site plan was approved by the Rockwood Planning Commission on _____.

Planning Commission Secretary



ORDINANCE NO. 12-65

**An Ordinance Replacing Title 14, Chapters 1 and 2
Rockwood Municipal Code
Concerning Zoning and Land Use Control**

WHEREAS, Section 14-101 through 14-103 of the Rockwood Municipal Code governs the creation, organization, powers and duties of the Rockwood Municipal Planning Commission and designates the Planning Commission as the Board of Zoning Appeals.

WHEREAS, Section 14-201 of the Rockwood Municipal Code is the City's Zoning Ordinance.

WHEREAS, the Rockwood Municipal Planning Commission has recommended that Section 14-101 through Section 14-201 of the Rockwood Municipal Code be amended as provided in the attached document entitled, "Rockwood Zoning Ordinance November 2019".

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council that Sections 14-101 through Section 14-201 are replaced in their entirety with the attached document entitled, "Rockwood Zoning Ordinance November 2019".

BE IT FURTHER ORDAINED that the portion of Rockwood Municipal Code presently codified as Section 14-301 entitled "Rockwood Municipal Airport Zoning Ordinance" and all amendments thereto shall remain in full force and effect, but shall be now codified as Section 14-1101 of the Rockwood Municipal Code.

BE IT FURTHER ORDAINED that the portion of Rockwood Municipal Code presently codified as Section 14-401 through Section 14-411 entitled "Code Supplement for Mobile Homes and Travel Trailers" and all amendments thereto, shall remain in full force and effect, but shall now be codified as Section 14-1201 through 14-1211 of the Rockwood Municipal Code

This ordinance shall take effect upon passage, the public welfare requiring it.

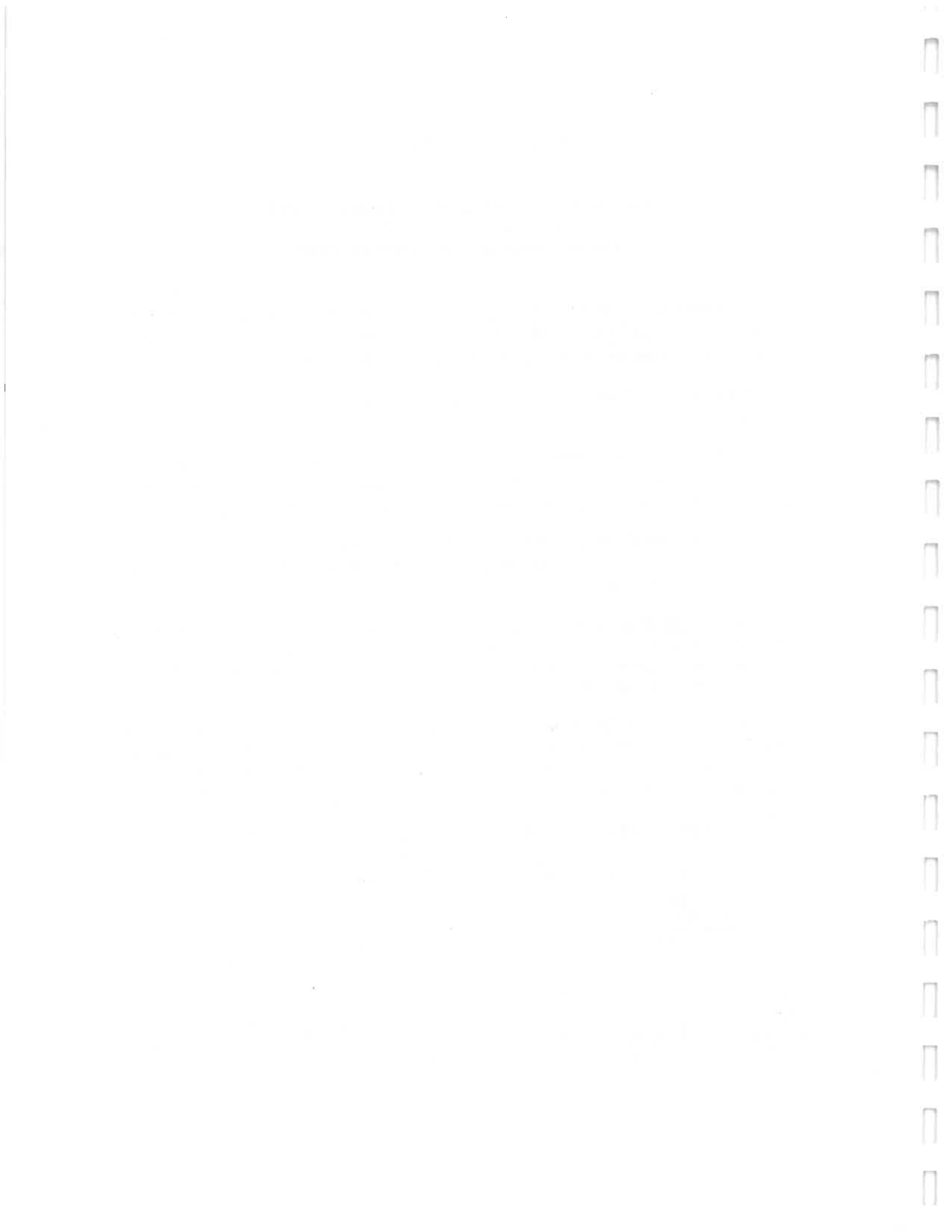
Passed on first reading this 25th day of November, 2019.

Mills Miller
MAYOR

Date: 11/25/19

Attest:
Becky Ruppe
CITY RECORDER

Date: 11/25/19



Adopted after a public hearing on second reading after a public hearing on this 16th day of
December, 2019.

Mike Miller
MAYOR

Date: 12/16/19

Attest:
Becky Ruppe
CITY RECORDER

Date: 12/16/19



