

TITLE 14**ZONING AND LAND USE CONTROL**¹**CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. HISTORIC ZONING COMMISSION.
3. ZONING ORDINANCE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 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 another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (1993 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1993 Code, § 11-102)

¹Design Guidelines LaGrange Tennessee is included in its entirety as Appendix B.

CHAPTER 2**HISTORIC ZONING COMMISSION**¹**SECTION**

14-201. Creation and membership.

14-202. Organization, powers, duties, etc.

14-201. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-7-403 there is hereby created a historic zoning commission. The historic zoning commission shall consist of seven (7) members; one (1) of these shall be a representative of a local patriotic or historical organization; one (1) of these shall be an architect, if available; one (1) of these shall be a member of the municipal planning commission, at the time of his appointment, and the other four (4) shall be from the community in general. The historic zoning commission shall be appointed by the mayor subject to confirmation by the board of mayor and aldermen and shall serve without compensation. The terms of members of the historic zoning commission shall be five (5) years each except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members shall expire each year. Any vacancy in any appointive membership shall be filled for the unexpired term by the mayor subject to confirmation by the board of mayor and aldermen. (1993 Code, § 11-201)

14-202. Organization, powers, duties, etc. The historic zoning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1993 Code, § 11-202)

¹Design Guidelines La Grange Tennessee is included in its entirety as Appendix B.

CHAPTER 3**ZONING ORDINANCE**¹**SECTION**

14-301. Land use to be governed by zoning ordinance.

14-301. Land use to be governed by zoning ordinance. Land use within the Town of La Grange shall be governed by Ordinance #2012-04, titled "La Grange Municipal Zoning Ordinance," and any amendments and/or successors thereto. The zoning ordinance is included in its entirety in this chapter and its original formatting regarding chapter layout has been retained. MTAS formatting was applied to the content and section numbering for consistency.

¹The official zoning map of the Town of La Grange is located in the office of the recorder.

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CHAPTER I

AUTHORITY, TITLE AND PURPOSE

14-101. Authority. An ordinance, in pursuance of the authority granted by Tennessee Code Annotated, §§ 13-7-201 through 13-7-211 and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to provide for the establishment of districts or zones within the Corporate Limits of La Grange, to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

This ordinance also is adopted pursuant to Tennessee Code Annotated, § 13-4-310 which permits that a municipal planning commission shall have the power to "recommend amendments to the zoning ordinance for the establishment of review and approval powers for site plans and the establishment under the zoning provisions for review and approval of planned unit developments, overlay districts, mixed use developments, condominiums and other types of sustainable design and development of property." The provision of well-designed and properly constructed infrastructure within said development is vital to health, safety and welfare of the public utilizing said development and the community as a whole. These types of developments typically contain infrastructure that may be dedicated to a governmental entity or may be controlled by other types of bodies or non-governmental entities including, but not limited to, property owner associations. These infrastructure and internal development improvements such as, but not limited to, public and non-public roads, water and sewer lines, landscaping, green space, sustainable design features and other improvements as required by the planning commission, through the local government's zoning ordinance, shall be subject to bonding or other methods of guaranteeing their installation. The planning commission may set and hold these guaranteeing instruments or may designate another governmental body that duty and function.

This ordinance also is adopted under authority granted pursuant to Tennessee Code Annotated, §§ 13-7-401 through 13-7-410 for the expressed purpose conveyed under these sections "to promote the educational, cultural, and economic welfare of the people of the State of Tennessee by enabling municipalities and counties to preserve and protect historic structures, areas and districts which serve as visible reminders of the history and cultural heritage of the state and the United States. Furthermore, it is the purpose of this ordinance in conjunction with historic districts or zones as adopted in this and other earlier zoning ordinances under Tennessee Code Annotated,

§ 13-7-404 and duly adopted Review Guidelines as per Tennessee Code Annotated, § 13-7-406 as well as "to strengthen the economy of the state and of the adopting governmental entities by stabilizing and improving the property values in historic areas, by encouraging rehabilitation and new construction and development that will be harmonious with the historic structures, areas and districts, and by preserving and rehabilitating buildings which are of significance to historic districts." (Ord. #2012-04, Nov. 2012)

14-102. Title. This ordinance shall be known and may be cited as the Municipal Zoning Ordinance of La Grange, and the map herein referred to which is identified by the title "Official Zoning Map," and all explanatory matters thereon are hereby adopted and made a part of this ordinance. (Ord. #2012-04, Nov. 2012)

14-103. Purpose. The zoning regulations and districts as herein set forth have been made for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town. The historic and rural character of the town shall be preserved in keeping with certification from the Tennessee Historical Commission dated April 4, 1975 that the "La Grange Historic District" had been entered on the "National Register of Historic Places." Any subsequent areas annexed may be subject to such preservation as provided by Tennessee Code Annotated. Rural character preservation and low density development shall be a driving principle whether of historical significance or not. (Ord. #2012-04, Nov. 2012)

CHAPTER II

DEFINITIONS

14-201. Definitions and rules of construction of language in general. In the construction of the language of this ordinance, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise:

- (1) The particular shall control the general.
- (2) The word "shall" is always mandatory and not discretionary.
- (3) The word "may" is permissive.
- (4) The word "lot" shall include the words "piece" or "parcel."
- (5) The word "building" or "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(6) In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration or table, the text shall control.

(7) The word "permitted" or words "permitted as of right," means permitted without meeting the requirements of a special exception pursuant to this ordinance, and all other applicable provisions.

(8) Words used in the present tense shall include the future, words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(9) The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the Town of La Grange. The Standard Land Use Coding Manual, provided as a supplement of this ordinance is intended to serve as a guide in the determination of what uses are permitted in all districts. (Ord. #2012-04, Nov. 2012)

14-202. Definitions. (1) "Accessory building or use." A use customarily incidental and subordinate to the principal use of a building and located on the same lot with such principal use or building.

An accessory use includes, but is not limited to, the following:

- (a) Off-street motor vehicle parking areas and loading and unloading facilities.
- (b) A garage, shed, or building for domestic storage.
- (c) A children's playhouse, garden house, or private greenhouse.
- (d) Private swimming pools in residential districts.
- (e) Fences.

(2) "Adult oriented businesses." A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented

businesses including movie theaters, bookstores, video rental outlets, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices, as well as nude or semi-nude dancing and massages.

(3) "Agriculture." See Code 81 of the Standard Land Use Coding Manual.

(4) "Agricultural related activities." See Code 82 of the Standard Land Use Coding Manual.

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

(6) "Amusement." An establishment which provides: arcade type entertainments including such items as pinball machines, video games and pool tables; miniature golf; or other amusements. (See Code 73 in the Standard Land Use Coding Manual).

(7) "Apartment." A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single-housekeeping unit, and which contains completed kitchen, bath, and toilet facilities, permanently installed.

(8) "Apartment house." A building arranged, intended, or designed to be occupied by two (2) or more families living independently of each other. (See also multiple family dwelling.)

(9) "Automobile storage yard (also junk or salvage yard). Any land use for the parking and/or storage of one (1) or more abandoned or impounded operable vehicles for which compensation is received.

(10) "Bed and breakfast establishment," referred to hereafter as the "establishment," means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having four (4) but not more than twelve (12) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

(11) "Bed and breakfast homestay" referred to hereafter as the "homestay," means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters. These shall be considered transient lodging for the purposes of this zoning ordinance.

(12) "Beverage store." A business which is duly licensed for retail sales of either intoxicating liquors or alcoholic beverages having an alcohol content of

not more than five percent (5%) by weight and which otherwise complies with local and state regulations.

(13) "Billboards." See "signs--off-premises."

(14) "Boarding house." A building and accessories thereof principally used, designed or adapted to provide living accommodation for not more than six (6) occupants and having common cooking and dining facilities. For the purposes of this ordinance, boarding houses shall be considered multiple family.

(15) "Buffer strip." A strip of land, established to protect one (1) type of land use from another with which it is incompatible, which is landscaped and kept in perpetual open space uses.

(16) "Building." A structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such building should be considered a separate structure. A principal or main building is a building in which is conducted the principal use of the lot on which it is located.

(17) "Building line." The line of that face of the building nearest the front, side or rear line of the lot. This face includes carports and porches, whether enclosed or open, but does not include steps.

(18) "Building line, established." That line parallel to and a specific setback distance from a front lot line, beyond which a building cannot be constructed within the required yard created.

(19) "Building height." The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

(20) "Bulk" describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines, and therefore includes:

(a) The size (including height and floor area) of buildings or other structures;

(b) The area of the zone lot upon which a building is located, and the number of dwelling units within residential buildings in relation to the area of the lot;

(c) The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures; and

(d) All open areas relating to buildings or other structures and their relationship thereto.

(21) "Building, main or principal." A building in which the primary use of the lot is conducted.

(22) "Building inspector (also zoning compliance officer or building official)." The person designated to enforce the provisions of the La Grange

Zoning Ordinance and other applicable town, state, or federal regulations relating thereto.

(23) "Business service." An establishment which provide aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service (see Code 63 in the Standard Land Use Coding Manual).

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

(25) "Church." A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public worship.

(26) "Clinic." Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises (see codes 6511, 6512 and 6517 in the Standard Land Use Coding Manual).

(27) "Commercial." Activities related to the provision of products and services. See retail and wholesale trade, financial, business, personal and professional services.

(28) "Communication." See Code 47 in the Standard Land Use Coding Manual.

(29) "Condominium--residential." A multiple family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

(30) "Cultural activity." Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums (see Code 71 in the Standard Land Use Coding Manual).

(31) "Density." Number of units per acre allowed by this zoning ordinance.

(32) "Discontinuance." The termination or abandonment of the use or occupancy of a site, facility, building or structure of any legally established permitted use.

(33) "District." A section of the municipality for which uniform regulations governing the use, height, area, and intensity of use of buildings and land, and open spaces about buildings are herein established.

(34) "Driveway." A paved or graveled way, on private property, providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.

(35) "Dwelling." A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this ordinance, the

term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

(36) "Dwelling--mobile home." See "mobile home."

(37) "Dwelling, multiple family." A building or portion thereof, designed for occupancy by two (2) or more families living independently of each other (in separate dwelling units). (Also see "apartment," "condominium," and "townhouse").

(38) "Dwelling, single-family." A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

(39) "Dwelling, townhouse." An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least two (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor, (also see "condominium, residential").

(40) "Dwelling , unit." One (1) or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of multiple family structures.

(41) "Education services." Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools (see Code 68 in the Standard Land Use Coding Manual).

(42) "Elderly assisted care (see also nursing home)." A facility or development providing elderly care and housing, containing single rooms or other dwelling units which may consist of bedrooms, dinettes, and bathroom facilities, commonly containing group dining halls, recreational areas, and other communal areas provided that twenty-four (24) hour medical care, medical staffing, and other services are required or provided. For the purposes of this ordinance, these types of facilities shall be classified as multiple family complexes and apartments.

(43) "Elderly congregate living (see also nursing home)." A facility or development providing elderly congregate group housing, containing individual dwelling units which may consist of one (1) or more bedrooms, dining area, bathing and cooking facilities, or a combination thereof, provided that twenty-four (24) hour medical care and medical staffing is not required or provided. For the purposes of this ordinance, these types of facilities shall be classified as multiple family complexes and apartments.

(44) "Essential services." The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate

services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

(45) "Exterior boundary." See "exterior yard."

(46) "Exterior yard." A yard adjacent to the side or exterior boundaries of a mobile home park, a multiple family development or planned commercial development which is clear of any structures.

(47) "Factory built housing." A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consist of three (3) types: modular homes, mobile homes and manufactured homes.

(48) "Family." One (1) or more persons occupying a premises and living as a single non-profit housekeeping unit.

(49) "Finance, insurance and real estate services." Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual).

(50) "Garage, private." A building or portion thereof for the storage of motor vehicles owned or used by the residents.

(51) "Governmental agency." An agency of the federal, state, or the local government or any combination thereof.

(52) "Governmental services." See Code 67 of the Standard Land Use Coding Manual.

(53) "Grade." The ground elevation used for the purpose of regulating the height of buildings. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

(54) "Group home." As defined by Tennessee Code Annotated, §§ 13-24-101 through 13-24-104, a single-family residence in which eight (8) or fewer unrelated persons with a disability reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the persons with a disability residing in the home. This does not apply to such family residences wherein persons with a disability reside when such residences are operated on a commercial basis.

Any group home other than the above shall be considered multiple family.

(55) "Ground sign." Any sign supported by the ground with little or no vertical clearance.

(56) "Habitable space." Areas within the building designed and/or used as living quarters for human beings.

(57) "Hazardous substance." Any compound or use that can pose a substantial present or potential hazard to health or the environment when improperly treated, handled, stored, transported, disposed of or otherwise managed as defined by Tennessee Code Annotated, § 68-121-102 or listed as hazardous or toxic by the Tennessee Department of Public Health or the U.S. Environmental Protection Agency.

(58) "Historic district or zone (defined as per Tennessee Code Annotated, § 13-7-404)." Historic districts or zones may be established by a county or municipal legislative body, either as a part of a new zoning ordinance or as an amendment to existing ordinances. For the purpose of this part, "historic district or zone" is defined as a geographically definable area which possesses a significant individual structure or a concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria:

(a) It is associated with an event which has made a significant contribution to local, state, or national history;

(b) It includes structures associated with the lives of persons significant in local, state, or national history;

(c) It contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(d) It has yielded or may be likely to yield archaeological information important in history or prehistory; or

(e) It is listed in the National Register of Historic Places. [Acts 1982, ch. 814, § 1; 1989, ch. 422, § 1.]

(59) "Height." See building, height of.

(60) "Home occupation." An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use.

(61) "Industry." See manufacturing

(62) "Institution." A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a charitable character to the public.

(63) "Junk or salvage yard (see also automobile storage yard)." Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals or other scrap or discarded materials. Any land or building used for the storage, demolition, dismantling or salvaging of inoperable vehicles, machinery or parts thereof.

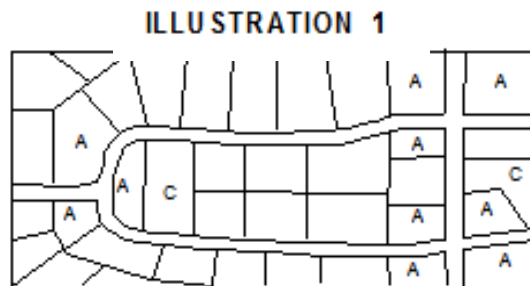
(64) "Landscaping." A planted and maintained area of trees, shrubs, lawns, and other ground cover or materials designated to present and aesthetic buffer between properties and adjoining uses or street areas.

(65) "Loading space." An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

(66) "Lot." A parcel of land occupied or unoccupied in one (1) ownership, which may include one (1) or more lots of record. All lots shall front on and have access to a public street.

(a) Lot, corner. A lot abutting upon two (2) or more streets at their intersection. (See A in illustration 1).

(b) Lot, double frontage. A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. (See C in illustration 1).



(67) "Lot area." The total horizontal area included within lot lines.

(68) "Lot coverage." The lot area covered by all buildings located therein.

(69) "Lot line." The boundary dividing a given lot from a street right-of-way, an alley, or adjacent lots.

(70) "Lot of record." A lot which is part of a subdivision recorded in the office of the county register, or lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of the La Grange Zoning Ordinance, any subsequent zoning ordinance, or an amendment of the La Grange Zoning Ordinance which applies to the lot in question.

(71) "Lot width." The horizontal measurement at the building line.

(72) "Manufacturing." The production of a product at a fixed site (see Code 21 through 39 in the Standard Land Use Coding Manual).

(73) "Manufactured residential dwelling (See also factory built housing and Tennessee Code Annotated, § 13-24-201)." "Residential dwelling," as used in this ordinance, does not apply to factory-manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis, and as further defined in § 68-126-202(4), (6) and (7).

(74) "Metal dismantling operations" are establishments engaged in the breaking up, sorting, or dismantling of metal or machine products restricted to an area inside a building whether principal or accessory for wholesale distribution but not for the purposes of selling secondhand parts (See junk or salvage yard and automobile storage yard for distinction).

(75) "Medical services." Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine. (See Code 651 in the Standard Land Use Coding Manual).

(76) "Mixed use occupancy." The presence of residential and nonresidential uses within the same complex or same building.

(77) "Mobile homes." A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this ordinance by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not to be considered as a mobile home.

(78) "Mobile home park." Any plot of ground upon which three (3) or more mobile homes, occupied for dwelling or sleeping purpose, are located, regardless of whether or not a charge is made for such accommodations.

(79) "Mobile home space." The term mobile home space shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(80) "Modular home." A residential dwelling which is a structural unit or pre-assembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site.

(81) "Motor vehicle transportation." Transportation services including bus, taxi and motor freight transportation. (See Code 42 of the Standard Land Use Coding Manual).

(82) "Non-conforming structure." A structure which was lawfully constructed prior to enactment or amendment to this ordinance or any preceding zoning ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

(83) "Non-conforming sign." A sign which lawfully existed prior to the adoption of the La Grange Zoning Ordinance, any preceding zoning ordinance, and subsequent amendments but which no longer conforms to the regulations.

(84) "Non-conforming use." Any use of building or premises which lawfully existed prior to the adoption of, or amendment of this ordinance, any preceding zoning ordinance but which no longer complies with the use regulations of the district in which it is located.

(85) "Noxious matter." Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

(86) "Nursery." Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than twenty-four (24) hour periods as provided in Tennessee Code Annotated, §§ 71-3-501 through 71-3-533 as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services. A building or structure used for the care of children as defined herein. Such a facility normally includes one (1) of the following types.

(a) "Family day care home" means the home operated by any person who receives therein a minimum of five (5) and a maximum of seven (7) children under seventeen (17) years of age who are not related to such person and whose parents and guardians are not residents in the same house, for less than twenty-four (24) hours per day for care without transfer of custody. As used in this definition, "related" means the children, stepchildren, grandchildren, siblings, stepsiblings, nieces and nephews of the primary caregiver; (A license is generally not required for a house providing care for fewer than five (5) children.)

(b) "Group day care home" means any place operated by a person, social agency, corporation, institution, or other group which receives a minimum of eight (8) and a maximum of twelve (12) children and up to three (3) additional school age children who will only be present before and after school, on school holidays, on school snow days, and during summer vacation for less than twenty-four (24) hours per day for care outside their own home without transfer of custody.

(c) "Day care center" means any place operated by a person, society, agency, corporation, institution or religious organization, or any other group wherein are received thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) hours per day, without transfer of custody.

(87) "Off-street loading and unloading space." An open hard surfaced area other than a street or a public way, the principal use of which is for standing, loading and unloading of vans, trucks, tractors, and trailers to avoid undue interference with the public use of streets and alleys.

(88) "Parks." An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as but not limited to playgrounds, athletic or playfields and picnic areas.

(89) "Parking lot." A parking lot shall mean any land used, provided or permitted to be used for the parking of automobiles.

(90) "Periphery boundary." (See exterior yard).

(91) "Personal services." Services which include laundry, beauty, funeral, and other services to individuals. (See Code 62 in the Standard Land Use Coding Manual).

(92) "Philanthropic institution." An organization which distributes funds for humanitarian purposes or which is supported by public donations and which has as its principal activity the promotion of human welfare. This shall

include, but not be limited to: civic clubs; organizations such as Lions, Moose, Elks, United Way, etc.

(93) "Pole sign." A free-standing sign supported from the ground by a pole or similar support structure of narrow width which by reason of height does not qualify as a ground sign.

(94) "Principal building." A building in which is conducted the primary use of the lot on which it is located.

(95) "Principal use." The specific primary purpose for which land or a building is used.

(96) "Professional services." Those services normally provided by the established professions such as, but not limited to, physician services, dental services, legal services, engineering services, architectural services and accounting services. (See Code 65 in the Standard Land Use Coding Manual).

(97) "Public assembly facility." Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playfields and parks.

(98) "Public uses." Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

(99) "Public utility." Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery of, or furnishing of heat, chilled air, chilled water, light, power or water, or sewage facilities, either directly or indirectly to or for the public (see Codes 47 and 48 except Code 4823 and 485).

(100) "Quarrying." Quarrying shall be uniformly defined, for purposes of all municipal zoning regulations, as the extraction, removal and mechanized processing of stone, gravel, phosphate rock, metallic ore, limestone, marble, chert, sand, dimension stone and any other solid mineral or substance of commercial value, except coal and deep metal mining, including but not limited to zinc, found in natural deposits in the earth, for barter or sale. The definition of quarrying shall not include the reuse of these minerals on the same site from which they are extracted. This definition shall have no effect on the exception contained in Tennessee Code Annotated, § 54-1-128. The removal of borrow material from a site and the placement of the same material on a project site without mechanized processing shall not be considered quarrying. Pursuant to Tennessee Code Annotated, § 13-7-201(a)(1), as amended by Public Chapter 217, 2011.

(101) "Real estate sign." A sign indicating that a parcel is for sale or rent. This shall include sold signs and signs that indicate that a parcel or structure has been sold through words such as "future home of company b."

(102) "Recreational activities." Sports activity, playground and athletic areas, swimming areas, marinas and other similar activities. (See Code 74 of the Standard Land Use Coding Manual).

(103) "Recreational vehicle." A trailer towed behind a car or a self propelled vehicle intended for use as a temporary recreational dwelling.

(104) "Repair services." Those establishments which fix, mend or overhaul merchandise for households or businesses (See Code 64 in the Standard Land Use Coding Manual).

(105) "Retail trade." Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. (See Code 52 through 59 in the Standard Land Use Coding Manual).

(106) "Schools, parochial." An institution of learning owned and/or operated by a recognized church or religious institution.

(107) "Signs." Any device designed to inform, or attract the attention of persons which presents a name, symbol, logo or advertisement for services or products offered on- or off-site as allowed under the regulations of this ordinance. The term sign shall include the sign structure and all attachments, if attached to a structure, or ground mounted, shall include a base, poles, mounts or attachments from the ground level upward. For more specific definitions used in § 14-906.

(108) "Site plan." A plan delineating the overall scheme of the development of a tract including all items as specified in this ordinance.

(109) "Special exception." A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exceptions is made in this zoning ordinance.

(110) "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 used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

"Half story." A story under a slopping roof, the finished floor area which does not exceed one half (1/2) the floor area of the floor immediately below it, or a basement used for a human occupancy, the floor area of the part of the basement thus used not to exceed fifty percent (50%) of the floor area of the floor immediately above.

(111) "Street. A public or private way which affords the principal means of access to abutting properties. The word "street" shall include the words "road," "highway," and "thoroughfare."

(112) "Street line." The property line which bounds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

(113) "Street center lines." The center of the surface roadway or the surveyed center line of the street.

(114) "Structure." Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something not having a permanent location on the ground.

(115) "Temporary structure." A moveable structure (anything constructed or erected) which either is not permanently attached to a permanent foundation, concrete slab or footing, or which is equipped with a permanent steel chassis.

(116) "Total floor area." The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

(117) "Townhouse." A townhouse dwelling is an attached single-family dwelling constructed in a row of three (3) to eight (8) single-family dwellings, each dwelling being separated from the adjoining dwellings in each story by a two (2) hour-rated masonry fire wall with no penetrations, such wall extended through the roof two feet (2') and each dwelling having independent access to the exterior in the ground story.

(118) "Toxic materials." Material (gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

(119) "Transient lodging." Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual limited to hotels and motels.

(120) "Travel trailer." A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses, which:

(a) Is identified on the unit by the manufacturer as a travel trailer;

(b) Is not more than eight feet (8') in body width;

(c) Is of any weight provided its body length does not exceed twenty-nine feet (29'); or

(d) Is of any length provided its gross weight, factory equipped for the road, does not exceed four thousand five hundred (4,500) pounds.

(121) "Travel trailer park." Any plot of ground which two (2) or more travel trailers, occupied for temporary living purposes, are located, regardless of whether or not a charge is made for such accommodations.

(122) "Travel trailer space." The term travel trailer space shall mean a plot of ground within a travel trailer park designated for the accommodation of one (1) travel trailer.

(123) "Usable floor area." Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

(124) "Use." The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

(125) "Use and occupancy permit." A written permit issued by the building inspector required before occupying or commencing to use any building or other structure or any lot.

(126) "Utilities." Gas, water, electricity, sewer and telephone services provided by government agencies or private companies (See Code 48 in the Standard Land use Coding Manual).

(127) "Variance." A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property.

The salient points of a variance are:

(a) Undue hardship caused by exceptional physical irregularities of the property; and

(b) Unique circumstances due to the exceptional physical irregularities; and

(c) Strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property.

A variance is not justified unless all three (3) elements are present.

(128) "Veterinary hospital or clinic." Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within the building. (See Code 8221 and 8222 Standard Land Use Coding Manual).

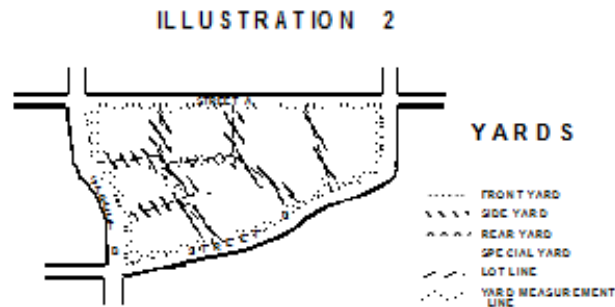
(129) "Warehouse." A structure used exclusively for the storage of merchandise or commodities.

(130) "Wholesale trade." Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies. (See Code 51 in the Standard Land Use Coding Manual).

(131) "Yards." Any open space on the same lot with a principal building open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this ordinance. The measure of a yard shall be

the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

(a) "Front yard." The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards. (See Illustration 2)



(b) "Side yard." The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line. (See Illustration 2)

(c) "Rear yard." A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be defined at the time the building permit is issued. (See Illustration 2)

(132) "Yard Sale (also garage sale)." The temporary exhibition of goods on residential or church property for the purpose of selling or trading excluding one (1) motor vehicle, one (1) watercraft, one (1) farm implement, or a combination of two (2) of these exclusions.

(133) "Zoning compliance officer (also building inspector or building official)." The person designated to enforced the provisions of the La Grange Zoning Ordinance and/or other applicable town, state, or federal regulations relating thereto.

(134) "Zoning districts." Any section of the town for which the zoning regulations, governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform. (Ord. #2012-04, Nov. 2012, modified)

CHAPTER III

GENERAL PROVISIONS, NONCONFORMING LOTS USE AND STRUCTURES, ACCESS CONTROL AND EXCEPTIONS AND MODIFICATIONS

For the purpose of this ordinance, there shall be certain general provisions, which shall apply to the town as a whole as follows:

14-301. Zoning affects every building and use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided. (Ord. #2012-04, Nov. 2012)

14-302. Continuance of non-conforming uses and structures. It is the intent of this ordinance to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings, and structures existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

(1) A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

(2) Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damage of the extent of more than seventy-five percent (75%) of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

(3) Except as provided in Tennessee Code Annotated, § 13-7-208, a non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.

(4) No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided.

(5) When a non-conforming use of any building or land has ceased for a period of one (1) year, it shall not be re-established.

(6) Non-conforming commercial, business, or industrial uses created after the passage of Tennessee Code Annotated, § 13-7-208 shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion of the property owned by such business and that any construction, improvement or reconstruction shall be in conformance with the district requirements in which it is located. (Ord. #2012-04, Nov. 2012)

14-303. Erection of no more than one principal structure per lot. In any district more than one (1) structure housing a permitted principal use shall not be erected on a single lot. (Ord. #2012-04, Nov. 2012)

14-304. Reduction of lot area prohibited. No lot even though it may consist of one (1) or more adjacent lots of record shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. (Ord. #2012-04, Nov. 2012)

14-305. Required yard cannot be used by another building. No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as part of a yard or other open space required under these regulations for another building. (Ord. #2012-04, Nov. 2012)

14-306. Rear yard abutting a public street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five feet (25') of that setback line shall be no closer to any side property than the distance required for side yards on adjoining properties fronting on that street. (Ord. #2012-04, Nov. 2012)

14-307. Corner lots. On lots located at the intersection of two (2) streets, the frontage on both streets shall be considered as front yards, the other two (2) yards shall be considered side yards for the purposes of this ordinance. (Ord. #2012-04, Nov. 2012)

14-308. Obstruction of vision at street intersections prohibited. No structure, planting, object, or sign which obstructs visibility shall be placed on a corner lot within the area defined by a distance of one hundred feet (100') along the right-of-way lines of the intersecting streets from the point of

intersection of the right-of-way lines at the corner, and a line connecting the end points on the right-of-way lines to form an equilateral triangle. Any object between a height of two and one-half feet (2 1/2') and a height of ten feet (10') above the average grade of each street at the centerline thereof shall be deemed as obstructing vision under the provision of this ordinance. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (Ord. #2012-04, Nov. 2012)

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, i.e., drive or other opening for vehicles into a street shall not exceed twenty-five (25) feet in width.

(2) There shall be no more than two (2) points of access to any one (1) public street on a lot of less than three hundred feet (300').

(3) No point of access shall be allowed within twenty-five feet (25') of the right-of-way of any public street intersection.

(4) Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six inches (6") in height and six inches (6") in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalks area.

(5) No sidewalks on town streets or rights-of-way shall be cut or altered without written approval of the zoning compliance officer.

(6) Ingress and egress to required parking spaces for uses other than single-family residential shall be via driveways arranged so that vehicles enter and depart by forward motion.

(7) Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation or the provisions of this ordinance whichever is stricter. (Ord. #2012-04, Nov. 2012)

14-310. Street frontage. No structure shall be erected on a lot which does not abut a public street or is located on a permanent access easement approved by the La Grange Planning Commission; all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. (Ord. #2012-04, Nov. 2012)

14-311. Lot of record. Where the owner of a lot of record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance or a preceding zoning ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance. Permission to use such lot as a building site may be granted, however, providing that the yards and

other requirements of the districts are complied with as closely as is possible in the opinion of the board of zoning appeals. (Ord. #2012-04, Nov. 2012)

14-312. Front yard requirements in pre-existing developments.

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred feet (100') on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (Ord. #2012-04, Nov. 2012)

14-313. Front yards. The front yard shall be measured from the street right-of-way. In the instance when the street right-of-way is unspecified, the following standards shall be used to establish a point of measurement unless right of way is identified on a major road, street, thoroughfare, land use or general plan. Rights of way identified on such a duly approved plan make be used for setback purposes under the zoning ordinance.

(1) Minor residential--fifty foot (50') right-of-way or twenty-five feet (25') from the street centerline.

(2) Collector streets--sixty foot (60') right-of-way or thirty feet (30') from the street centerline.

(3) Arterial streets--thirty foot (30') right-of-way or thirty-five feet (35') from the street centerline. (Ord. #2012-04, Nov. 2012)

14-314. Accessory activity, use, building or structure and location of such accessories. Accessory buildings, including a private facility, and accessory uses customarily incident to the above uses, but not involving the conduct of a business. Any accessory building shall be located so as not to extend beyond the front of a principal building or structure and shall not be less than fifteen feet (15') from any portion of the main building. Accessory buildings may be built in rear yards but shall not occupy more than forty percent (40%) of the required rear yard. Such buildings shall not exceed twenty feet (20') in height and shall not be nearer than five feet (5') to any lot line. No mobile home, manufactured home, modular home, travel trailer unit, tractor trailer, or motor home shall be utilized as accessory buildings or structures. (Ord. #2012-04, Nov. 2012)

14-315. Fences and walls. Notwithstanding other provisions of this ordinance, fences and walls may be permitted in any required yard, or along the edge of any yard, provided that no fence or wall along the sides or edge of any required front yard shall exceed fifty inches (50") in height.

Buffers may be exempt from these provisions if required by the reviewing authority. No proposed fence, wall, or fence shall be permitted, which violates § 14-308 and any other provisions of this ordinance or other city codes.

Neither fences nor walls shall be constructed within any known right-of-way. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. (Ord. #2012-04, Nov. 2012)

14-316. Buffering and screening. The La Grange Planning Commission may require screening of parking lots, service areas, open storage of material and equipment, and other commercial or industrial activities not contained within a building from residential or other property where the visual appearance of such uses of land is inconsistent with the amenities of the surrounding development or is an annoyance to the adjoining land owner. (Ord. #2012-04, Nov. 2012)

14-317. Lighting. Any light used to illuminate signs, parking areas or buildings shall be so arranged as to reflect such light away from adjoining premises and streets. (Ord. #2012-04, Nov. 2012)

14-318. Interpretation of permitted uses. Permitted uses, when in question, shall be determined by utilization of the Standard Land Use Coding Manual. Uses will be considered similar if they are part of the same two (2) digit code in the Standard Land Use Coding Manual. (Ord. #2012-04, Nov. 2012)

CHAPTER IV

ESTABLISHMENT OF DISTRICTS

14-401. Classification of districts. For the purpose of this ordinance, La Grange, Tennessee, is hereby divided into ten (10) districts, designated as follows:

Single-Family Dwelling Historic District--H-R

Commercial Historic District--H-C

Agricultural Historic District--H-AC

Commerce Street Residential Revitalization Historic District (CSRRHD)

Single-Family Dwelling District--R-1

Single Family Nonconventional Residential--R-2

Highway Commercial District--HWY-C

Agricultural District--AG

Planned Residential Historic District--H-PRD

Historic High Impact Commercial--H-HIC

(Ord. #2012-04, Nov. 2012, as amended by Ord. #0-2016-02, May 2016)

14-402. Boundaries of districts and rules for the interpretation of these district boundaries. (1) The boundaries of districts in § 14-401 of this chapter are hereby established as shown on the official zoning map entitled "Official Zoning Map of La Grange, Tennessee," which is a part of this ordinance and which is on file in the town hall.

(2) The official zoning map shall be identified by the signature of the mayor attested by the recorder.

(3) If, in accordance with the provisions of this ordinance and Tennessee Code Annotated, §§ 13-7-203 and 13-7-204 changes of amendments are made in district boundaries or other matter portrayed on the official zoning map.

(4) In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the town board may adopt a new official zoning map which shall supercede the prior official zoning map. The official zoning map may correct drafting or other errors or omissions in the prior official zoning ordinance or any subsequent amendment thereof.

(5) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this ordinance. Questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals.

(6) Where the district boundaries are not otherwise shown, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts

designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(7) In any unsubdivided property, the district boundary lines on the zoning map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

(8) In accordance with Tennessee Code Annotated, § 13-7-404, the Official Zoning Map of La Grange, Tennessee shall also establish the historic zones of the town which are governed by historic zoning commission, review guidelines, or any other powers as adopted by the historic zoning commission under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. These zones shall be designated by the word "historic" and/or by the use of "H." The historic zoning commission is charge with the responsibility of reviewing requests for building and demolition permits within the areas designated as "H" or historic districts. No permit for construction, alteration, repair, moving, or demolition may be issued within the historic district until it is submitted to and receives approval in writing by the historic zoning commission. (Ord. #2012-04, Nov. 2012)

CHAPTER V

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

14-501. HR (Single Family Dwelling) Historic Districts. The purpose of this district is to have a low density historic district is to maintain the character of areas that currently exist or are suitable for the development of customary detached single family homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the HR (Single Family Dwelling Historic Districts, as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. Gardening and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission or historic zoning commission.

(a) Single-family dwellings except mobile homes on individual lots;

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses;

(c) Utility wires and mains, street and railroad rights-of-way.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

(a) Churches and other places of worship;

(b) Schools;

(c) Municipal, state, or federal uses;

(d) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued

without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets and computers.

(ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed uses is located.

(iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use.

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.

(v) No activity, materials, goods, or equipment indicative of the proposed uses shall be visible from any public way.

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(e) Family day care home as defined in Chapter II under nursery school, may be permitted by the board of zoning appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter VIII, § 14-807 of this ordinance. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:

(i) The family day care home shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities;

(ii) Minimum required lot area;

(A) Family day care home--two (2) acres

(iii) Minimum required fenced play area.

(A) Family day care home--two hundred (200) square feet per child.

(iv) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The nursery school facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.

(vii) There shall be no signs advertising the property as a family daycare facility.

(f) Standards for bed and breakfast homestay. The board of zoning appeals may authorize the issuance of a special exception for a bed and breakfast homestay subject to the following additional standards:

(i) A minimum of one (1) off-street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.

(ii) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(iii) Signs advertising the bed and breakfast homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the bed and breakfast homestay.

(iv) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the bed and breakfast homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

(v) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

(vi) Proprietors of the bed and breakfast homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.

(vii) All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the board of zoning appeals.

(viii) Lodging of guests at the proposed bed and breakfast homestay shall be limited to no more than fourteen (14) days during any one (1) stay.

(ix) The board of zoning appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance.

(x) No more than two (2) full-time employee are permitted for bed and breakfast homestay

(g) Accessory uses and buildings customarily incidental to any approved special exception provided such uses and building are also approved by the board of zoning appeals.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings. (a) See § 14-314.

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

(5) Regulations controlling lot area, lot width, yards, building height.

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

(a) Minimum area regulations:

(i) All uses--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use

(b) Minimum lot width at building line and minimum street frontage of the lot:

(i) All uses--three hundred feet (300')

(c) Minimum required front yard:

(i) All uses--eighty feet (80')

(d) Minimum required rear yard:

(i) All uses--fifty feet (50')

(e) Minimum required side yard:

(i) All uses--thirty feet (30')

(f) Maximum lot coverage by all buildings:

(i) Single family dwellings and accessories--thirty percent (30%)

(ii) Churches--twenty-five percent (25%)

(g) Maximum height regulations:

(i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

(ii) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and

provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.

(6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-502. R-1 (Single Family Residential) Districts. The purpose of the single family residential district is to maintain the character of areas that currently exist or are suitable for the development of customary detached single family homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic and rural quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the R-1 (Single Family Residential) Districts, as shown on the zoning map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission.

(a) Single-family dwellings except mobile homes on individual lots.

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses.

(c) Name plate and real estate signs in accordance with Chapter VIII, § 14-805 of this ordinance.

(d) Utility wires and mains, street, and railroad right-of-way.

(e) Telecommunications equipment on existing structures provided by the applicant that there is documentation from the owner of the existing structure confirming collocation and that the extension does not require lighting or exceed the height restrictions enumerated in Chapter VIII, § 14-809.

(2) Special exceptions. As a condition of approval of the aforementioned special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed

buildings, the power to specify building materials or colors, or other similar powers.

- (a) Churches and other places of worship;
- (b) Schools;
- (c) Libraries;
- (d) Parks, golf courses, tennis courts, playgrounds, gymnasiums, and recreation centers;
- (e) Public utility facilities;
- (f) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - (i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.
 - (ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
 - (iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use.
 - (iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
 - (v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way.
 - (vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.
 - (vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
 - (viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posted by these operations.
- (g) Family day care home, group day care home, and day care center, as defined in Chapter II under nursery school, may be permitted by the board of zoning appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter

VIII, § 14-807 of this ordinance. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:

(i) The family day care home shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.

(ii) Minimum required lot area.

(A) Family day care home--two (2) acres

(iii) Minimum required fenced play area.

(A) Family day care home--two hundred (200) square feet per child.

(iv) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The nursery school, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.

(vii) There may be signs advertising the property as a day care facility.

(h) Standards for wedding chapels. The board of zoning appeals may authorize the issuance of a special exception for a wedding chapel subject to the following additional standards:

(i) Regulations--minimum area two (2) acres.

(ii) Minimum lot width at building line and street frontage of the lot--one hundred fifty feet (150').

(iii) Minimum required front yard--sixty feet (60').

(iv) Minimum required rear yard--forty feet (40').

(v) Minimum required side yard--twenty-five feet (25') or more as required by the board of zoning appeals.

(vi) Maximum lot coverage by all buildings--twenty-five percent (25%) or less as required by the board of zoning appeals.

(vii) Parking regulations adequate off-street parking shall be provided. One (1) space shall be required for every three (3) seats.

(i) Standards for bed and breakfast homestay. The board of zoning appeals may authorize the issuance of a special exception for a bed and breakfast homestay subject to the following additional standards:

(i) A minimum of one (1) off-street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.

(ii) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(iii) Signs advertising the bed and breakfast homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the bed and breakfast homestay.

(iv) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the bed and breakfast homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

(v) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

(vi) Proprietors of the bed and breakfast homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.

(vii) All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the board of zoning appeals.

(viii) Lodging of guests at the proposed bed and breakfast homestay shall be limited to no more than fourteen (14) days during any one (1) stay.

(ix) The board of zoning appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance.

(x) No more than two (2) full-time employees are permitted for bed and breakfast homestay.

(j) Accessory uses and buildings customarily incidental to any aforementioned special exception.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings. (a) See § 14-314.

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

(5) Regulations controlling lot area, lot width, yards, building height.

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

- (a) Minimum area regulations.
 - (i) Single family dwellings--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use.
 - (ii) Churches--two (2) acres or two hundred (200) square feet of lot area per auditorium seat, whichever is greater.
 - (iii) Schools--five (5) acres plus one (1) acre for each one hundred (100) students.
 - (iv) Cemeteries--two (2) acres.
 - (v) Other uses--two (2) acres or greater as required by the board of zoning appeals.
- (b) Minimum lot width at building line and minimum street frontage of the lot.
 - (i) Single family dwellings--one hundred fifty feet (150').
 - (ii) Churches--one hundred fifty feet (150').
 - (iii) Other uses--one hundred fifty feet (150') or greater as required by the board of zoning appeals.
- (c) Minimum required front yard.
 - (i) Dwelling--sixty feet (60')
 - (ii) Churches--sixty feet (60')
 - (iii) Other uses--sixty feet (60') or more as required by the board of zoning appeals.
- (d) Minimum required rear yard.
 - (i) Single family dwellings--twenty-five feet (25')
 - (ii) Churches--thirty feet (30')
 - (iii) Other uses--thirty feet (30') or more as required by the board of zoning appeals.
- (e) Minimum required side yard.
 - (i) Single family dwellings--twenty-five feet (25')
 - (ii) Churches--thirty feet (30')
 - (iii) Other uses--thirty feet (30') or more as required by the board of zoning appeals.
- (f) Maximum lot coverage by all buildings.
 - (i) Single family dwellings and accessories--twenty-five percent (25%)
 - (ii) Churches--twenty-five percent (25%)
 - (iii) Other uses--fifty percent (50%) or less as required by the board of zoning appeals.
- (g) Maximum height regulations.
 - (i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the

required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65') however;

(ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.

(iii) No accessory building shall exceed one (1) story in height.

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

(5) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-503. R-2 (Single Family Nonconventional Residential) Districts. The purpose of the single family nonconventional residential is to maintain the character of areas that currently exist or are suitable for the development of customary detached single family homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic and rural quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the R-2 (Single Family Nonconventional Residential) as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission.

(a) Single-family dwellings, manufactured homes, and mobile homes on individual lots.

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses.

(c) Name plate and real estate signs in accordance with Chapter VIII, § 14-805 of this ordinance.

(d) Utility wires and mains, street, and railroad right-of-way.

(e) Telecommunications equipment on existing structures provided by the applicant that there is documentation from the owner of the existing structure confirming collocation and that the extension does

not require lighting or exceed the height restrictions enumerated in Chapter VIII, § 14-809.

(2) Special exceptions. As a condition of approval of the aforementioned special exceptions, site plans shall be approved by the board of zoning appeals in accordance with chapter viii, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

- (a) Churches and other places of worship
- (b) Schools
- (c) Libraries
- (d) Parks, golf courses, tennis courts, playgrounds, gymnasiums, and recreation centers
- (e) Public utility facilities
- (f) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - (i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.
 - (ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use;
 - (iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(g) Family day care home, group day care home, and day care center, as defined in Chapter II under nursery school, may be permitted by the board of zoning appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter VIII, § 14-807 of this ordinance. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:

(i) The family day care home shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.

(ii) Minimum required lot area:

(A) Family day care home--two (2) acres

(iii) Minimum required fenced play area:

(A) Family day care home--two hundred (200) square feet per child

(iv) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The nursery school, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.

(vii) There may be signs advertising the property as a daycare facility.

(h) Standards for wedding chapels. The board of zoning appeals may authorize the issuance of a special exception for a wedding chapel subject to the following additional standards:

(i) Minimum area regulations--two (2) acres

(ii) Minimum lot width at building line and street frontage of the lot--one hundred fifty feet (150')

(iii) Minimum required front yard--sixty feet (60')
(iv) Minimum required rear yard--forty feet (40')
(v) Minimum required side yard--twenty-five feet (25') or more as required by the board of zoning appeals.

(vi) Maximum lot coverage by all buildings--twenty-five percent (25%) or less as required by the board of zoning appeals.

(vii) Parking regulations adequate off-street parking shall be provided. One (1) space shall be required for every three (3) seats.

(i) Standards for bed and breakfast homestay. The board of zoning appeals may authorize the issuance of a special exception for a bed and breakfast homestay subject to the following additional standards:

(i) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.

(ii) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(iii) Signs advertising the bed and breakfast homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the bed and breakfast homestay.

(iv) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the bed and breakfast homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

(v) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

(vi) Proprietors of the bed and breakfast homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.

(vii) All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the board of zoning appeals.

(viii) Lodging of guests at the proposed bed and breakfast homestay shall be limited to no more than fourteen (14) days during any one (1) stay.

(ix) The board of zoning appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance.

(x) No more than two (2) full-time employees are permitted for bed and breakfast homestay.

(j) Accessory uses and buildings customarily incidental to any aforementioned special exception.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings. (a) See § 14-314.

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

(5) Regulations controlling lot area, lot width, yards, building height. The principal building shall be located so as to comply with the following requirements.

(a) Minimum area regulations.

(i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use.

(ii) Churches--two (2) acres or two hundred (200) square feet of lot area per auditorium seat, which ever is greater.

(iii) Schools--five (5) acres plus one (1) acre for each one hundred (100) students.

(iv) Cemeteries--two (2) acres.

(v) Other uses--two (2) acres, or greater as required by the board of zoning appeals.

(b) Minimum lot width at building line and minimum street frontage of the lot.

(i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--one hundred fifty feet (150')

(ii) Churches--one hundred fifty feet (150')

(iii) Other uses--one hundred fifty feet (150') or greater as required by the board of zoning appeals.

(c) Minimum required front yard.

(i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--sixty feet (60')

(ii) Churches--sixty feet (60')

(iii) Other uses--sixty feet (60') or more as required by the board of zoning appeals.

(d) Minimum required rear yard.

(i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--twenty-five feet (25')

(ii) Churches--thirty feet (30')

- (iii) Other uses--thirty feet (30') or more as required by the board of zoning appeals.
- (e) Minimum required side yard.
 - (i) Single-family dwellings, manufactured homes, and mobile homes on individual lots--twenty-five feet (25')
 - (ii) Churches--thirty feet (30')
 - (iii) Other uses--thirty feet (30') or more as required by the board of zoning appeals.
- (f) Maximum lot coverage by all buildings.
 - (i) Single-family dwellings, manufactured homes, and mobile homes on individual lots and accessories--twenty-five percent (25%).
 - (ii) Churches--twenty-five percent (25%).
 - (iii) Other uses--fifty percent (50%) or less as required by the board of zoning appeals.
- (g) Maximum height regulations.
 - (i) No building shall exceed three (3) stories or thirty-five feet (35') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5'), or fraction thereof, of additional height over thirty-five feet (35'), not to exceed sixty-five feet (65') however;
 - (ii) On a lot less than fifty feet (50') in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five feet (25') in height.
 - (iii) No accessory building shall exceed one (1) story in height.
 - (iv) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.
- (6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-504. (CSRRHD) Commerce Street Residential Revitalization Historic District. The purpose of this district is to have a more-dense residential historic district and to maintain the character of this area that currently exists or is suitable for the development of residential dwellings and accessory structures supported by septic tanks at a one (1) acre-lot minimum lot area along Commerce Street and its logical eastern extension on the east side of LaGrange Road (Main Street/Yager Drive). These provisions have been devised to encourage some relatively moderate infill development as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic

congestion. These developments shall not sacrifice septic suitability in the pursuit of increasing densities.

Within the (CSRRHD) Commerce Street Residential Revitalization Historic Districts, as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. Gardening and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission or historic zoning commission.

(a) Single-family dwellings except mobile homes on individual lots;

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses;

(c) Utility wires and mains, street and railroad rights-of-way;

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

(a) Churches and other places of worship

(b) Schools

(c) Municipal, state, or federal uses

(d) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted offsite only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.

(ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(e) Family day care home as defined in Chapter II under nursery school, may be permitted by the board of zoning appeals upon approval of a site plan which is drawn to scale and which addresses the criteria enumerated in Chapter VIII, § 14-807 of this ordinance. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:

(i) The family day care home shall be conducted in single family residences only. Accessory structures may not be used for nursery school facilities.

(ii) Minimum required lot area;

(A) Family day care home - One (1) acre

(iii) Minimum required fenced play area.

(A) Family day care home - 200 square feet per child

(iv) The board of zoning appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(v) All outdoor play activities shall be conducted within the fenced play area.

(vi) The nursery school facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.

(vii) There shall be no signs advertising the property as a family daycare facility.

(f) Standards for bed and breakfast homestay - The board of zoning appeals may authorize the issuance of a special exception for a bed and breakfast homestay subject to the following additional standards:

(i) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on premises for permanent residents.

(ii) The dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(iii) Signs advertising the bed and breakfast homestay shall not exceed three (3) square feet in area and shall be non-illuminated. The sign may only indicate the name of the occupant and/or the name of the bed and breakfast homestay.

(iv) No more than three (3) sleeping quarters of the dwelling unit shall be used for lodging in the bed and breakfast homestay. This would not apply to other parts of the dwelling unit, which may be incidentally used by guests such as bathrooms, kitchen, and living room areas not being used as sleeping quarters by guests.

(v) The permanent residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

(vi) Proprietors of the bed and breakfast homestay shall also be permanent residents of the dwelling in which it is located. All area and yard requirements of the district must be met.

(vii) All applicable federal, state, and municipal codes, including municipal fire, building and electrical codes, shall be complied with as a condition of approval by the board of zoning appeals.

(viii) Lodging of guests at the proposed bed and breakfast homestay shall be limited to no more than fourteen (14) days during any one (1) stay.

(ix) The board of zoning appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the zoning ordinance.

(x) No more than two (2) full-time employee are permitted for bed and breakfast homestay

(g) Accessory uses and buildings customarily incidental to any approved special exception provided such uses and building are also approved by the board of zoning appeals.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings. (a) See § 14-314.

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

(5) Regulations controlling lot area, lot width, yards, building height. The principal building shall be located so as to comply with the following requirements.

(a) Minimum area regulations.

(i) All uses one (1) acre or more if required by the Tennessee Division of Groundwater Protection for septic use.

(b) Minimum lot width at building line and minimum street frontage of the lot.

(i) All uses one hundred feet (100') except for the principal buildings along LaGrange Road (Main Street).

(c) Minimum required front yard.

(i) All uses forty feet (40').

(d) Minimum required rear yard.

(i) All uses twenty-five feet (25').

(e) Minimum required side yard.

(i) All uses fifteen feet (15').

(f) Maximum lot coverage by all buildings.

(i) Single family dwellings and accessories thirty percent (30%).

(ii) Churches twenty-five percent (25%).

(g) Maximum height regulations. (i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

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

(6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (as added by Ord. #0-2016-02, May 2016)

CHAPTER VI

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

14-601. HC (Commercial Historic Districts). The purpose of this district is to have a low density, low impact historic commercial district is to maintain the character of areas that currently exist or are suitable for the development of small retail or service operations along with accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater structural densities and more intense commercial activities.

Within the HC (Commercial Historic Districts), as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission or historic zoning commission.

Any building used primarily for any of the following enumerated purposes may not have more than twenty-five percent (25%) of the floor area devoted to storage purposes incidental to such primary use.

- (a) Advertising and business signs. (See also sign provisions).
- (b) Bakeries employing not more than five (5) persons and when products are sold only at retail on the premises.
- (c) Banks.
- (d) Barber shops, beauty shops.
- (e) Bicycle sales and repair shops.
- (f) Catering and delicatessen business.
- (g) Custom dressmaking, millinery, tailoring, or similar retail trades, employing not more than five (5) persons on the premises.
- (h) Laundromats.
- (i) Locksmith shops.
- (j) Medical and dental clinics.
- (k) Messenger and telegraph service stations.
- (l) Offices.
- (m) Photographers' studios.
- (n) Public libraries and museums.
- (o) Restaurants.
- (p) Shoe repairing shops, employing not more than five (5) persons.

(q) Shops for the repair of electrical and radio equipment and other similar commodities, employing not more than five (5) persons on the premises, and not involving any manufacturing on the premises.

(r) Stores or shops for the conduct of retail business.

(s) Theaters, except for drive-in theaters.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

(a) Churches and other places of worship.

(b) Schools.

(c) Municipal, state, or federal uses.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings.

(a) See § 14-314.

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

(5) Regulations controlling lot area, lot width, yards, building height. The principal building shall be located so as to comply with the following requirements:

(a) Minimum area regulations.

(i) All uses--none unless required by the Tennessee Division of Groundwater Protection for septic use.

(b) Minimum lot width at building line and minimum street frontage of the lot.

(i) All uses--none.

(c) Minimum required front yard.

(i) All uses--none.

(d) Minimum required rear yard.

(i) All uses--twenty-five feet (25').

(e) Minimum required side yard.

(i) All uses--none.

(f) Maximum lot coverage by all buildings.

- (i) All uses--none.
- (g) Maximum height regulations.
 - (i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.
 - (ii) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.
- (6) Parking and loading regulations. Adequate off-street parking and loading shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-602. HWY-C (Highway Commercial Districts). The purpose of this district is to have a low density, general commercial district is to maintain the character of areas that currently exist or are suitable for the development of retail or service operations along with accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access while protecting these areas from unwarranted traffic congestion associated with greater structural densities and the most intense commercial activities.

Within the HWY-C (Highway Commercial Districts) as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

- (a) Advertising and business signs (See sign provisions).
- (b) Bakeries employing not more than five (5) persons and when products are sold only at retail on the premises.
- (c) Banks.
- (d) Barber shops, beauty parlors.
- (e) Bicycle sales and repair shops.
- (f) Catering and delicatessen business.
- (g) Churches.
- (h) Custom dressmaking, millinery, tailoring, or similar retail trades, employing not more than five (5) persons on the premises.
 - (i) Gasoline and fuel retail station.
 - (j) Fraternities, sororities, private clubs, and lodges.
 - (k) Garages, storage.
 - (l) Institutions of a religious, educational, eleemosynary, or philanthropic nature, but not penal or mental institutions nor institutions for alcoholics or drug addicts.
 - (m) Laundromats.
 - (n) Locksmith shops.
 - (o) Medical and dental clinics.
 - (p) Messenger and telegraph service stations.

- (q) Nursing homes provided minimum area as required by the Tennessee Division of Groundwater Protection for septic use.
- (r) Office and office buildings.
- (s) Parking lots, commercial.
- (t) Photographers' studios.
- (u) Pick-up stations for receiving and delivery of laundry or cleaning, which shall be done elsewhere.
- (v) Public libraries and museums.
- (w) Restaurants.
- (x) Schools, including public, private, kindergarten, dancing, music, business, trade, and special schools and dormitories for students.
- (y) Shoe repairing shops, employing not more than five (5) persons.
- (z) Shops for the repair of electrical and radio equipment and other similar commodities, employing not more than five (5) persons on the premises, and not involving any manufacturing on the premises.
 - (aa) Stores or shops for the conduct of retail business.
 - (bb) Theaters, except drive-in theaters.
 - (cc) Youth centers.
 - (dd) Accessory building and accessory uses customarily incident to the above uses.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

- (a) Any public building owned or operated by a governmental agency.
- (b) Hospitals, clinics, and institutions, except institutions for criminals, alcoholics, drug addicts, and mental cases; provided, however, that such buildings may occupy not over fifty percent (50%) of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property; and provided further that the buildings shall be set back from all side and rear yard lines heretofore established, and additional distance of not less than one foot (1') for every foot of building height and that adequate off-street parking space will be provided.

(c) Roadside stands, commercial amusement, or recreational development for temporary or seasonal periods.

(d) Radio or television broadcasting stations.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings. (a) See § 14-314.

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

(5) Regulations controlling lot area, lot width, yards, building height. The principal building shall be located so as to comply with the following requirements.

(a) Minimum area regulations.

(i) All uses--none unless required by the Tennessee Division of Groundwater Protection for septic use.

(b) Minimum lot width at building line and minimum street frontage of the lot.

(i) Gasoline and fuel retail station--one hundred fifty feet (150').

(ii) All other uses--none

(c) Minimum required front yard.

(i) All uses--forty feet (40').

(d) Minimum required rear yard.

(i) All uses--fifteen feet (15').

(e) Minimum required side yard.

(i) All uses--ten feet (10').

(f) Maximum Lot coverage by all buildings.

(i) All uses--none

(g) Maximum height regulations.

(i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

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

(6) Parking and loading regulations. Adequate off-street parking and loading shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-603. H-HIC (Historic High Impact Commercial) District. The H-HIC (Historic High Impact Commercial District is to allow a wide range of

commercial and other nuisance producing establishments such as adult-oriented establishments in areas suitable for such development due to compatibility and utility capacity, but which need to be isolated for reasons of volume, scale of operation, type of structures, type of operation, and possible air and water emissions. Due to these factors, these locations will be evaluated so as to minimize the adverse impacts on adjacent properties. These areas will be selected and will have a minimal proximity to residential neighborhoods, religious, childcare, and educational facilities.

Within the areas designated H-HIC (Historic High Impact Commercial) on the Zoning Map of La Grange, Tennessee, the following provisions shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission.

- (a) Retail trade limited to:
 - (i) Building materials, hardware and farm equipment.
 - (ii) General merchandise.
 - (iii) Food.
 - (iv) Automotive, motorized vehicles, marine craft, aircraft and accessories (except automobile storage yard, junk or salvage yards).
 - (v) Apparel and accessories.
 - (vi) Furniture, home furnishings and equipment.
 - (vii) Eating and drinking.
 - (viii) Other retail trade, not elsewhere coded limited to:
 - (A) Drug and proprietary.
 - (B) Antiques.
 - (C) Books and stationery.
 - (D) Sporting goods and bicycles.
 - (E) Farm and garden supplies.
 - (F) Jewelry.
 - (G) Fuel and ice.
 - (H) Florists.
 - (I) Newspaper and magazines.
 - (J) Cigars and cigarettes.
 - (K) Cameras and photographic supplies.
 - (L) Gifts, novelties, and souvenirs.
 - (M) Optical goods.
- (b) Services limited to:
 - (i) Finance, insurance and real estate services.
 - (ii) Personal services limited to:

- (A) Laundering, dry cleaning, and dyeing services.
- (B) Photographic services.
- (C) Beauty and barber services.
- (D) Funeral chapels except crematory services.
- (E) Apparel repair, alteration, and cleaning pickup services; shoe repair services.
- (iii) Business services, except warehousing, storage services, and stockyards, providing that personal storage (mini-warehousing shall be allowed).
- (iv) Repair services limited to:
 - (A) Automotive and farm equipment repair (except automobile storage yard, junk or salvage yards).
 - (B) Automobile wash services.
 - (C) Electrical repair.
 - (D) Radio and television repair services.
 - (E) Watch clock and jewelry.
 - (F) Reupholstery and furniture repair.
 - (G) Other repair services, NEC-limited to:
 - (1) Bicycle repair.
 - (2) Camera repair.
 - (3) Locksmith repair.
 - (4) Musical instrument repair.
- (v) Professional services not to include sanitariums, convalescent and rest home services.
- (vi) Contract construction services.
- (vii) Governmental services except military bases/reservations.
- (viii) Educational services (including family, group, and daycare operations as defined under nursery school in § 14-202).
- (ix) Miscellaneous services limited to:
 - (A) Religious activities including churches, synagogues, and temples.
 - (B) Welfare and charitable services.
 - (C) Other miscellaneous services--limited to:
 - (1) Business associations.
 - (2) Professional membership organizations.
 - (3) Labor unions and similar labor organizations.
 - (4) Civic, social, and fraternal organizations.
- (c) Wholesale trade limited to:
 - (i) Drugs, chemicals, and allied products.
 - (ii) Dry goods and apparel.

- (iii) Farm products (raw materials) limited to cotton, grains, and field beans.
- (iv) Electrical goods.
- (v) Hardware, plumbing, and heating equipment.
- (vi) Machinery, equipment, and supplies.
- (vii) Other wholesale trade, not elsewhere coded, limited to:
 - (A) Paper and paper products.
 - (B) Furniture and home furnishings.
 - (C) Lumber and construction materials.
- (d) Public assembly.
- (e) Cultural activities.
- (f) Recreational activities.
- (g) Transient lodging.
- (h) Transportation except airports.
- (i) Communications except telecommunications (See Special exceptions).
- (j) Utilities limited to:
 - (i) Electric and water utilities except electric generation plants.
- (k) Horticulture specialties.
- (l) Accessory buildings customarily incidental to the permitted use.
- (m) Signs as permitted in Chapter VIII of this ordinance.
- (n) Standards for reception halls and wedding chapels - The planning commission may authorize the issuance of a permit or certificate of occupancy for a reception hall or wedding chapel subject to the following additional standards:
 - (i) Minimum area regulations two (2) acres for a proposed reception hall or a proposed wedding chapel (or more if required for septic approval).
 - (ii) Minimum lot width at building line one hundred feet (100').
 - (iii) Minimum required front yard thirty feet (30').
 - (iv) Minimum required rear yard thirty feet (30').
 - (v) Minimum required side yard fifteen feet (15') or more as required by the board of zoning appeals.
 - (vi) Maximum lot coverage by all buildings fifty percent (50%) or less as required by the board of zoning appeals.
 - (vii) Parking regulations adequate off-street parking shall be provided. One (1) space shall be required for every three (3) seats.
- (2) Special exceptions. (a) Telecommunications equipment on existing structures and new telecommunications towers may be permitted by the

board of zoning appeals upon approval of a proposal which addresses the criteria enumerated in Chapter VIII, § 14-808. The approval and the site plan may be subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the requirements in Chapter VIII, § 14-808.

(b) Adult oriented businesses as defined in Chapter II. These businesses shall also be regulated in accordance with the following requirements in addition to any other applicable municipal codes, state, or federal laws or regulations:

(i) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing churches, synagogues, or other regular places of religious worship;

(ii) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing public or private nursery schools, family daycare centers, group daycare centers, daycare centers;

(iii) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing public or private elementary, middle, or secondary schools;

(iv) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing public parks;

(v) Such use shall be located no closer than one thousand five hundred feet (1,500') from existing residential structures;

(vi) Screening shall be required. Such screening may be a strip of densely planted with evergreen shrubs or trees which are at least four feet (4') high and may be expected to form a year-round dense screen; may be a wall, barrier or uniformly painted fence at least six feet (6') in height but not more than eight feet (8') high, as measured from the finished grade. Such wall, barrier or fence must be opaque. This screen shall be maintained in good condition at all times.

(vii) The property and the facility housing such use must meet all yard standards, parking requirements, and all other applicable provisions of this ordinance.

(viii) Prior to the issuance of a building permit all site plan requirements as set forth in Chapter VIII, § 14-807 shall be submitted for review by the board of zoning appeals. Any modifications required by the board of zoning appeals shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of La Grange. Distances from existing structures on adjacent property will be required in order to review compliance with the established regulated distances for such uses above.

(c) Automobile storage, junk or salvage yards, animal hospital services, animal husbandry and kennels:

(i) The site of each proposed use must have a minimum of five (5) acres.

(ii) The site of each proposed use cannot be located any closer than one thousand five hundred feet (1,500') from an existing residential district.

(iii) The site of each proposed use may be located no closer than one thousand five hundred feet (1,500') from a residential dwelling, a church, public school, private school, nursery, nursery school, child care facility, or place of public assembly, places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity.

(iv) The use must meet all yard standards, parking requirements, and all other applicable provisions of this ordinance.

(v) The operation must comply with all applicable municipal, county, state, and federal laws, codes, and regulations.

(vi) The site of each proposed use must provide a fence of at least eight feet (8') in height and an evergreen strip to be placed around the fence that is a minimum of eight feet (8') in height.

(vii) No zoning compliance permit or certificate of occupancy for such use shall be issued unless such an operation complies with the conditions specified in any municipal ordinance, the La Grange Municipal Code, under any applicable county, state, or federal law, rule, or code.

(e) Accessory uses and buildings customarily incidental to any aforementioned special exception.

(3) Uses prohibited. (a) Any use not specifically permitted by the ordinance.

(4) Regulations controlling lot area, lot width, yards, building coverage and building height.

(a) Minimum required lot area:

(i) Churches--two (2) acres or two hundred (200) square feet of lot area per auditorium space, whichever is greater.

(ii) Other uses--no minimum requirement.

(b) Minimum lot width measured at the building line:

(i) Churches--one hundred feet (100').

(ii) Other uses--no minimum requirement.

(c) Minimum depth of front yards:

(i) All uses--twenty-five feet (25').

(d) Minimum depth of rear yard.

(i) All uses--twenty feet (20'), provided that when the commercial lot adjoins a residential district along the rear lot line

that the minimum depth of the rear yard shall be twenty-five feet (25').

(e) Minimum width of side yards:

(i) Churches--twenty-five feet (25').

(ii) Other uses--twenty feet (20'), provided that when the commercial lot adjoins a residential district along the rear lot line that the minimum depth of the side yard shall be twenty-five feet (25').

(f) Maximum lot coverage by all buildings:

(i) All uses--none.

(g) Maximum number of principal buildings on a single lot:

(i) All uses--no maximum providing the provisions of this ordinance are met. However, when multiple separate structures are constructed on a single lot, each structure shall be situated so that all area and yard requirements may be met as if located on a separate lot.

(h) Maximum height:

(i) All uses--no structures shall exceed three (3) stories or thirty-five feet (35') in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten feet (10') from the nearest property line.

(i) Accessory buildings:

(i) No accessory building shall extend into the required front or side yard.

(5) Parking and loading regulations. Adequate off-street parking, loading and unloading shall be provided as required in Chapter VIII of this ordinance.

(6) Site plan review. Prior to the issuance of a building permit all site plan requirements as set forth in Chapter VIII, § 14-807 shall be submitted for review by the planning commission. Any modifications required by the planning commission shall be made prior to the issuance of any building permit. The approved site plan shall be maintained in the permanent files of the Town of La Grange. (Ord. #2012-04, Nov. 2012, as amended by Ord. #0-2016-04, July 2016)

CHAPTER VII

PROVISIONS GOVERNING AGRICULTURAL DISTRICTS

14-701. Agricultural Historic Districts. The purpose of this district is to have the lowest density historic district to maintain the character of areas that currently exist or are suitable for the development of customary detached single family farm homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the Agricultural Historic Districts (H-AG), as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission or historic zoning commission.

- (a) Single-family dwellings except mobile homes on individual lots;
- (b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses;
- (c) Utility wires and mains, street and railroad rights-of-way.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. Historic zoning commission approval of the site plan and any other plans as required by the applicable guidelines as adopted under Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

- (a) Churches and other places of worship.
- (b) Municipal, state, or federal uses.
- (c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued

without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.

(ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(d) Riding stables provided, however, that buildings housing animals be at least one hundred feet (100') from all property lines and that the lot have an area of not less than ten (10) acres.

(e) Blacksmithing/farrier activities provided, however, that buildings, pens, or corrals holding animals be at least one hundred feet (100') from all property lines and that the lot have an area of not less than ten (10) acres.

(f) Accessory uses and buildings customarily incidental to any approved special exception provided such uses and building are also approved by the board of zoning appeals.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings.

(a) See § 14-314.

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

(5) Regulations controlling lot area, lot width, yards, building height.

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

(a) Minimum area regulations:

(i) All uses--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use.

(b) Minimum lot width at building line and minimum street frontage of the lot:

(i) All uses--three hundred feet (300').

(c) Minimum required front yard:

(i) All uses--eighty feet (80').

(d) Minimum required rear yard:

(i) All uses--fifty feet (50').

(e) Minimum required side yard:

(i) All uses--thirty feet (30').

(f) Maximum lot coverage by all buildings:

(i) Single family dwellings and accessories--thirty percent (30%).

(ii) Churches--twenty-five percent (25%).

(g) Maximum height regulations:

(i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

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

(6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

14-702. Agricultural Districts. The purpose of this district is to have the lowest density historic district to maintain the character of areas that currently exist or are suitable for the development of customary detached single family farm homes and accessory structures supported by septic tanks. These provisions have been devised to encourage adequate open space promoting emergency access as well as aesthetic quality while protecting these neighborhoods from unnecessary traffic congestion associated with greater population densities and more intense activities.

Within the Agricultural Districts (AG), as shown on the Zoning Map of La Grange, Tennessee, the following regulations shall apply:

(1) Uses permitted. As a condition of approval of the uses permitted, site plans shall be approved by the planning commission in accordance with Chapter VIII, § 14-807 of this ordinance. Gardening, agricultural crops, and temporary roadside farm sales are permitted with approval of the zoning compliance officer; any associated permanent structures will be referred to the planning commission.

(a) Single-family dwellings except mobile homes on individual lots;

(b) Accessory uses and buildings customarily incidental to any aforementioned permitted uses;

(c) Utility wires and mains, street and railroad rights-of-way.

(2) Special exceptions. As a condition of approval of the special exceptions, site plans shall be approved by the board of zoning appeals in accordance with Chapter VIII, § 14-807 of this ordinance. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters.

(a) Churches and other places of worship.

(b) Municipal, state, or federal uses.

(c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) The proposed use shall be located and conducted in the principal building only. Business activities and meetings shall be conducted off-site only. Such home occupations are intended to be limited to the use of telephones, filing cabinets, and computers.

(ii) The principal and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) Not more than twenty-five percent (25%) of the total floor area in dwelling unit shall be devoted to the proposed use;

(iv) The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(v) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

(vi) The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;

(viii) The provisions of this section shall not be used under any circumstances to permit; gift, florist, antique shops or other retail shops; or medical and health services specifically due to the burdens of traffic, parking, and utility demands posed by these operations.

(d) Riding stables provided, however, that buildings housing animals be at least one hundred feet (100') from all property lines and that the lot have an area of not less than ten (10) acres.

(e) Blacksmithing/farrier activities provided, however, that buildings, pens, or corrals holding animals be at least one hundred feet (100') from all property lines and that the lot have an area of not less than ten (10) acres.

(f) Accessory uses and buildings customarily incidental to any approved special exception provided such uses and building are also approved by the board of zoning appeals.

(3) Uses prohibited. Any other uses or structures not specifically permitted or permissible on appeal as a special exception in this chapter. This shall include advertising signs or billboards and mobile homes, except as specifically permitted by this ordinance.

(4) Location of accessory buildings.

(a) See § 14-314.

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

(5) Regulations controlling lot area, lot width, yards, building height.

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

(a) Minimum area regulations:

(i) All uses--two (2) acres or more if required by the Tennessee Division of Groundwater Protection for septic use.

(b) Minimum lot width at building line and minimum street frontage of the lot:

(i) All uses--three hundred feet (300').

(c) Minimum required front yard:

(i) All uses--eighty feet (80').

(d) Minimum required rear yard:

(i) All uses--fifty feet (50').

(e) Minimum required side yard:

- (ii) All uses--thirty feet (30').
- (f) Maximum lot coverage by all buildings:
 - (i) Single family dwellings and accessories--thirty percent (30%).
 - (ii) Churches--twenty-five percent (25%).
- (g) Maximum height regulations:
 - (i) No principal or accessory building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.
 - (ii) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten feet (10') from the nearest property line.
- (6) Parking regulations. Adequate off-street parking shall be provided as required in Chapter VIII of this ordinance. (Ord. #2012-04, Nov. 2012)

CHAPTER VIII

SPECIAL PROVISIONS GOVERNING PARKING, LOADING, SIGNS, SITE PLAN REVIEW, TELECOMMUNICATIONS STRUCTURES, MANUFACTURED HOMES AND PLANNED HISTORIC RESIDENTIAL (PHR) OR PLANNED RESIDENTIAL (PR) OVERLAY DEVELOPMENT DISTRICTS

For the purpose of this ordinance, there shall be certain provisions, which shall apply to the town as a whole as follows:

14-801. Off-street parking spaces. There shall be provided, at the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space of at least two hundred (200) square feet per space with vehicular access to a street or alley. Parking spaces maintained in connection with an existing or continuing main building or structure on the effective date of this ordinance up to the number required by this ordinance shall be continued and may not be counted as serving a new structure or addition; nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. The town reserves the right to control ingress and egress over private right-of-way.

If the off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within four hundred feet (400') of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

(1) For Single-Family Dwelling Historic District "H-R," Single-Family Dwelling District "R-1," Single Family Nonconventional Residential "R-2," and Planned Residential Historic District "H-PRD,"; off-street parking space shall be provided on the same lot as the main building, but not within the required minimum front yard.

(2) Parking spaces shall not be required in Commercial Historic District "H-C." (Ord. #2012-04, Nov. 2012)

14-802. Minimum parking requirements. (1) Retail trade and personal services. One (1) space for each two hundred (200) square feet of floor area.

(2) Office (public, private, or business). One (1) space for each four hundred (400) square feet of floor area.

(3) Public buildings. One (1) space for each two hundred (200) square feet of floor area.

(4) Schools. One (1) space for each faculty, office, or staff member, plus one (1) space for each two (2) auditorium or stadium seats.

(5) Places of assembly. One (1) space for each five (5) auditorium, stadium, sanctuary, or theater seats.

(6) Residential. Two (2) spaces for each dwelling unit.

(7) All other uses. One (1) space for each four hundred feet (400') of floor area. (Ord. #2012-04, Nov. 2012)

14-803. Handicapped parking. (1) In all developments, handicapped parking spaces shall be provided which have a minimum width of sixteen feet (16') (or one (1) van accessible space as required below with a ninety-six inch (96") space and adjacent ninety-six inch (96") access aisle) unless a sixty inch (60") (five feet (5')) middle aisle is used in conjunction with two (2) adjacent eleven feet (11') wide parking spaces designed as a van and non-van accessible space (referred to as the universal design standard).

One (1) in every eight (8) accessible parking spaces shall be van accessible with an acceptable overhead clearance of a minimum of one hundred eight inches (108") (nine feet (9')). Two (2) adjacent van accessible spaces shall have a minimum of two (2) ninety-six inch (96") (eight feet (8')) spaces separated by a ninety-six inch (96") (eight feet (8')) aisle.

The number of handicapped parking spaces in relation to the total number of spaces is listed below (unless dictated for multiple family, or automobile showrooms or specified medical uses as dictated by the North Carolina Handicapped Code):

<u>Total Spaces in Lot</u>	<u>Required number of reserved spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total

Over 1,000 20 plus 1 for each 100 over 1,000

(2) Ramp slopes for wheelchair accessibility shall be between 1:16 and 1:20.

(3) The travel distance along accessible routes from accessible parking spaces to accessible entrances shall not exceed two hundred feet (200').

(4) The number and location of handicapped parking spaces shall be dictated the North Carolina Handicapped Code, the Americans with Disabilities Act, or other applicable code. If there is a conflict, the strictest standard shall apply. (Ord. #2012-04, Nov. 2012)

14-804. Off-street loading and unloading spaces and location of off-street loading and unloading spaces. (1) Except for those buildings and structures located in the Commercial Historic District "H-C," every building or structure used for business for trade shall provide adequate space for the loading and unloading of vehicles off the streets. Such space shall have access to a public street, private access easement, or public alley. Each loading space shall be at least twelve feet (12') wide, fifty feet (50') long with a vertical clearance of at least fourteen feet (14').

The number of loading spaces shall be determined using the table below:

<u>Gross Floor Area (in square feet)</u>	<u>Loading and Unloading Space Required</u>
0 - 4,000	None
4,000 - 20,000	One (1) space
20,000 - 100,000 and over	One (1) space plus (1) space for each additional 20,000 square feet in excess of 20,001 square feet with no more than five (5) spaces required.

(2) All off-street loading facilities, where feasible, shall be located in the rear of the principal building. Loading berths shall be located so as not to restrict the ingress and egress to the lot nor to any intersection.

(3) In shopping centers and other common commercial or service developments where the function of off-street loading and unloading spaces required above can be reasonably consolidated for proposed and existing principal uses, the planning commission or other reviewing authority may permit such shared off-street loading and unloading spaces given the proposed spaces does not lie more than three hundred feet (300') from the service entrances for each such principal use. Such off-street loading and unloading spaces shall be deemed to be required open space associated with each permitted use and shall not thereafter be reduced or encroached upon in any manner

unless replaced by required off-street loading and unloading spaces or moved to a common accessible location on the premises.

The maintenance, access, and other similar issues for such shared off-street loading and unloading spaces shall be specified and defined in deed restrictions, accompanying subdivision plats, and other appropriate legal agreements. Proof of such agreements shall be secured in writing prior to approval of the planning commission or other reviewing authority. (Ord. #2012-04, Nov. 2012)

14-805. Sign regulations. Signs in historic overlay districts shall be approved by the historic zoning commission in addition to these requirements.

(1) Sign location. No sign shall be located within the required rear or side yards of any lot.

(2) Sign height. The height of signs shall not exceed the height regulations of the zoning district in which they are located.

(3) Sign protection limits. (a) No sign of any kind shall project into a street's right-of-way. Temporary signs may be permitted in the Commercial Historic District "H-C" provided these signs are removed following each business day.

(b) No sign shall project above the roof line of the building on which it is attached.

(4) Interference with traffic signals or motorist's vision. (a) No sign may be located in a manner which may obstruct or interfere with the view of traffic signs. No signs may be located within one hundred feet (100') of an intersection of a public road, if the sign obstructs the vision of a motorist within one hundred feet (100') of the intersection or causes confusion with a traffic control sign or signal by reason of color, lighting or other means.

(b) No sign located within the required front yard may obstruct vision of the street.

(5) Certain types of signs prohibited. No person may erect or maintain a sign which flashes, rotates, simulates action or has a moving part that is visible from a public street. Internally illuminated signs shall not be permitted.

(6) Sign definitions and maximum size.

(a) Name plate sign (attached or free standing)--a sign containing the name and title of the occupant of a building. No name plate sign in a residential area shall exceed one (1) square foot or two (2) square foot in other areas.

(b) Ground sign--a sign identifying the name of a church, institution, school, farm, club, lodging place, business or industry on the property on which it is located. No identification sign shall exceed thirty-six (36) square feet in size per side.

(c) Business, sign attached--a sign attached to the face of a building identifying the trade, services or industry located within said building. No attached building sign shall exceed ten percent (10%) of the

front face of the building in area, nor shall it exceed a maximum size of one hundred (100) square feet per side.

(d) Pole sign--a sign attached to its own support or to the ground identifying the trade, services, or industry located on a lot or in a building on the same lot. It shall not exceed a maximum size of thirty-six (36) square feet per side and a maximum height of twenty feet (20').

(e) Billboard sign: attached or free standing--a sign advertising anything not exclusively provided on the premises on which the sign is located.

No Billboard sign shall exceed a maximum square footage of three hundred eighty two (382) square feet in size per side.

All billboard signs shall meet the height restriction of the zoning district in which they exist.

The stacking or doubling of advertising sign on the same poles shall not be permitted.

(7) Sign restrictions. The following schedule lists the number of signs permitted, and zoning districts in which are permitted.

Type of Sign	Number of Signs Permitted	Districts in which Permitted
Name plate	One (1) per occupant	Any district
Ground sign	One (1) per use	Any district
Attached business	One (1) per occupant	HWY C districts
Pole sign	One (1) for each use whose contiguous street frontage is at least two hundred feet (200')	HWY C districts
Billboard	One (1) per permitted location	H-HIC

(8) Sign exceptions. Signs in historic overlay districts shall be approved by the historic zoning commission in addition to these requirements. The following signs are permitted in any district and are limited to one (1) sign per site:

(a) Traffic control devices.

(b) Real estate, construction and development signs located on the property listed for sale, lease, or under development or improvement. These signs shall be no more than sixteen (16) square feet. Only one (1) sign shall be permitted per property. One (1) off-site real estate sign shall

be allowed except for properties fronting along Highway 57, Highway 18, and La Grange Road.

(c) Historical or commemorative plaques or corner stones and sizes approved by the historic zoning commission or planning commission outside of historic districts.

(d) Political and campaign signs. Political and campaign signs on behalf of candidates for public office or measures of election ballots provided that said sign conforms to the following regulations.

(i) Said signs may be erected no earlier than ninety (90) days prior to said election and shall be removed within fourteen (14) days following said election.

(ii) No sign shall be located within or over the public right-of-way.

(iii) The candidate or the candidate's organization must obtain a general sign permit covering all of the candidate's signs in La Grange. There will be no charge for this permit.

(iv) Political signs shall be limited to sixteen (16) square feet. Only one (1) sign per candidate shall be permitted per property.

(e) Signs identifying entrances, exits, parking and loading areas limited to two (2) square foot. The number shall be limited by the number of entrances and loading areas. There shall be a limit of one (1) parking lot sign per parking lot.

(f) Yard sales (also garage sale) signs. Yard sale signs shall not exceed two (2) square feet. This sign shall be allowed to be erected no more than one (1) day prior to and one (1) day after the event in which it advertises and shall be limited to the site of the sale. (Ord. #2014-02, Sept. 2014)

14-806. Prohibited signs. The following types of signs are prohibited in all zoning districts in La Grange.

(1) No sign shall be permitted that is not specifically allowed in this ordinance. Any sign prohibited by other codes or historic guidelines shall not be allowed regardless of this ordinance.

(2) Signs on public property, except for public signs in conjunction with Town, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.

(3) Signs erected at the intersection of any streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP, LOOK, DRIVE-IN," "GO SLOW," "CAUTION," or similar wording or other symbols as to interfere with, mislead or confuse traffic. No signs shall be allowed between a height of two and one-half feet (2 1/2') and

ten feet (10') along the street right-of-way in order to prevent any obstruction of vision.

- (4) Signs which blend with or can be confused with traffic signals.
- (5) Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
- (6) Signs which are structurally unsound or which are rendered structurally sound by guy wires.
- (7) Signs which display thereon or advertise any obscene, indecent or immoral matter.
- (8) Signs which are intended to advertise customary incidental home occupations as prescribed in the special exception section for residential districts unless otherwise specified. (Ord. #2014-02, Sept. 2014)

14-807. Procedures and requirements for site plan review. Before a permit is issued for any permitted use or special exception listed, a site plan of the proposed development shall be reviewed and approved by the planning commission. The planning commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area, compatibility of the proposed use with existing nearby uses, as well as for the purposes of traffic circulation, emergency access, utility access, or refuse collection in relation to the proposed use or adjacent uses.

Site plan review procedures. In instances of review by the La Grange Planning Commission the following procedure shall apply.

(1) Site plan submission and review. Site plan review is required under the zoning ordinance (see also additional requirements found in the Historic Zoning Commission Guidelines for Historic Districts). These instances include:

Review and approval by the La Grange Board of Zoning Appeals prior to the approval of a permitted special exception.

Review and approval by the La Grange Planning Commission.

(a) Historic zoning commission review. In instances of review by the La Grange Historic Zoning Commission prior to the issuance of a building permit the following procedure shall apply.

(i) Prior to the issuance of a building permit, a site plan shall be submitted to the historic zoning commission for the appropriate historic zoning district provisions. The site plan for proposed constructions, additions, and other activities governed by the guidelines shall be reviewed for compliance with those provisions as well as those of this section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.

(b) Review procedure. Review by the La Grange Planning Commission or Board of Zoning Appeals as specified by the La Grange Zoning Ordinance, the following procedure shall apply:

(i) The owner or developer shall submit four (4) copies of the proposed site plan to the zoning compliance officer ten (10) days prior to the regular meeting date of the planning commission or board of zoning appeals, whichever is applicable. The site plan shall be reviewed in light of the provisions of this ordinance and the appropriate district regulations and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the secretary of the planning commission or chairman of the board of zoning appeals, whichever is applicable.

(ii) Prior to the regular planning commission or board of zoning appeals meeting, whichever is applicable, copies of the proposed site plan will be distributed by the zoning compliance officer to other affected town departments and the planning staff to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the planning commission or board of zoning appeals, whichever is applicable. The owner, developer, or agent will be invited to attend the meeting.

(iii) In the instance of disapproval, reasons for such disapproval shall be stated in writing.

(2) Contents of the site plan for single-family development. Construction of single-family dwellings and associated accessory structures. In instances where the proposed construction is an individual single-family dwelling, the site plan shall include the following:

- (a) All property lines and their surveyed distances and courses, tax map and deed references.
- (b) All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
- (c) Total land area.
- (d) Present zoning of site and abutting properties.
- (e) Name, address of owner of record and applicant.
- (f) Provisions for utilities, water, septic, etc.
- (g) Location and dimensions of the existing and proposed structures.

(3) Contents of the site plan. (a) The site plan shall show the following:

- (i) Name of development or address.
- (ii) Name and address of owner of record and the applicant.
- (iii) Present zoning of the site and abutting property.
- (iv) Date, graphic scale, and north point with reference to source of meridian.
- (v) Courses and distances of center of all streets and all property lines.

- (vi) All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
- (vii) The total land area.
- (viii) Certification as to the accuracy of the plan by a licensed surveyor, engineer, or architect.
- (ix) Septic approval.
- (b) The site plan shall show the location of the following when existing:
 - (i) Sidewalks, streets, alleys, easements and utilities.
 - (ii) Building and structures.
 - (iii) Septic systems.
 - (iv) Slopes, terraces and retaining walls.
 - (v) Driveways, entrances, exits, parking areas and sidewalks.
 - (vi) Water mains and fire hydrants.
 - (vii) Trees and shrubs.
 - (viii) Recreational areas and swimming pools.
 - (ix) Natural and artificial water courses.
 - (x) Limits of floodplains with references to current flood insurance rate map.
- (c) The site plan shall show the location, dimensions, site and height of the following when proposed.
 - (i) Sidewalks, streets, alleys, easements, and utilities.
 - (ii) Buildings and structures including the front street elevation of proposed buildings if the buildings exceed one (1) story in height.
 - (iii) Septic systems.
 - (iv) Slopes, terraces, and retaining walls.
 - (v) Driveways, entrances, exits, parking areas, and sidewalks.
 - (vi) Water mains and fire hydrants.
 - (vii) Trees and shrubs.
 - (viii) Recreational areas .
 - (ix) Distances between buildings.
 - (x) Estimates of the following when applicable:
 - (A) Number of dwelling units or other units.
 - (B) Number of parking spaces.
 - (C) Number of loading spaces.
 - (xi) Plans for collecting stormwater and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.
 - (xii) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures.

(xiii) In instances where common parking, easements, entrance and egress, are proposed, or other features or requirements imposed by the Town of La Grange are shared in the development or use of any properties, such shared or common features shall be shown on the required site plan and shall be included in restrictive covenants and included with such site plan.

(xiv) Proposed dumpster pad, if required by town code or policies.

(xv) Required public and private improvements and surety for these improvements for commercial or industrial developments except for sidewalks and corresponding handicapped ramps.

(A) Necessary action shall be taken by the developer to extend a water supply system capable of providing water use and fire protection. The applicant shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the planning commission, the Tennessee Department of Environment and Conservation and these regulations. Water mains shall not be less than six inches (6") in diameter. Fire hydrants shall be required to be located no more than five hundred feet (500') apart. However, the planning commission may require closer spacing where physical conditions or types of structures so warrant. All underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of parking areas.

(B) Parking areas, loading areas, screening, buffering, and landscaping shall be designed in accordance with the provisions of §§ 14-801 through 14-805 and other provisions of this zoning ordinance or other municipal ordinances. A required parking area under this section, which includes parking spaces, drives and maneuvering lanes, shall be provided. The parking area shall be of an asphalt or concrete paved surface and shall be surfaced within six (6) months of the date of completion of building construction. This requirement does not apply to a single family structure on a single lot.

(C) Turn-lanes, public street, private street, public/private access easement improvements shall be required along such adjacent facilities. The planning commission may require the dedication of such facilities to an appropriate governmental authority. Such dedication shall not be deemed acceptance. The major road plan adopted by the planning commission, pursuant to,

Tennessee Code Annotated, §§ 13-3-402 and 13-4-302 showing, among other things, the general location, character and extent of public ways (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways. Turn lanes of ample width, length, and design shall be implemented along any designated arterial and collector streets as guided by the appropriate major road plan or other component of a plan as described in Tennessee Code Annotated, title 13. Access control along any designated arterials may be stipulated. Turn lanes may be required along other streets as warranted by site or other existing conditions. Drains, medians, and street signage improvements or installation may be required in existing rights-of-way.

(D) Sidewalks will be required, when constructed these shall be located in the street right-of-way with the outside edge coinciding with the right-of-way line. All sidewalks shall have a main slab of not less than four inches (4") in thickness. For proper drainage all sidewalks shall have one-fourth inch (1/4") per foot slope towards the adjacent street. Sidewalks shall have a minimum width of five feet (5'). Alignment with existing public or private facilities may be required.

(E) Handicap ramps shall be installed at all crosswalks so as to make the transition from street or parking area to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high quality durable Portland cement concrete. The concrete shall be ready-mixed, air entrained, four thousand (4,000) pound concrete. All concrete shall be Class A and shall be placed, cured, and tested in accordance with the Local Government Public Works Standards and Specifications.

(F) No site plan shall be approved by the planning commission until one (1) of the following conditions has been met.

(1) Installation of required improvements. All required improvements have been constructed in a satisfactory manner and approved by the appropriate governmental representative.

(2) Security bond or other approved collateral. The planning commission has accepted a

security bond, or other approved collateral, in an amount equal to the estimated cost of installation of the required improvements (with consideration given for such factors as inflation and the time of completion), whereby improvements may be made and utilities installed.

(3) Release or reduction of surety instrument or performance bond. The planning commission shall not recommend dedication of required public improvements nor shall the planning commission release nor reduce a surety instrument or performance bond until the appropriate governmental representative states or submits a letter stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the planning commission and the appropriate governmental representative that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the site. Upon such approval and recommendation, the governing body or private entity responsible for maintenance, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in the zoning ordinance, municipal standards, or appropriate utility standards, state or federal codes, or after appropriate technical references such as Local Government Public Works Standards and Specifications. (Ord. #2012-04, Nov. 2012)

14-808. Requirements for telecommunication towers equipment.

(1) These regulations shall apply to telecommunications towers and equipment as permitted according to each zoning district's provisions.

(2) New telecommunications towers or telecommunication equipment on existing structures upon approval by the applicable reviewing body (planning commission if a permitted use, board of zoning appeals for special exceptions, along with historic zoning commission in historic districts) and in compliance with the provisions of "Telecommunications Tower Requirements."

(a) Purpose. The purpose of this section is to protect the health and enhance the safety of the residents of the Town of La Grange by providing provisions relative to controlling the height, number, and light emission of telecommunication towers.

(b) Applicability. All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of twenty feet (20'), not constructed upon or

used as an accessory structure for a residential dwelling and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.

(c) Plan requirement. Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of the site plan review requirements in this ordinance.

(i) The board of zoning appeals, upon referral, may make other requirements for information when necessary for the proper review and judgment of the site plan.

(ii) All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structures and the location of future antenna arrays and accessory structures.

(iii) A letter of intent from the owner allowing for the shared use of the tower.

(iv) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

(v) A letter indicating why all existing towers or structures within a one (1) mile radius of the proposed tower cannot be utilized.

(d) Prohibited uses. All telecommunication towers that exceed a height of twenty feet (20') constructed and any tower that is not specifically permitted as a use permitted or special exception the Town of La Grange shall be specifically prohibited.

(e) Type. All new telecommunications towers that exceed a height of twenty-five feet (25') may be of a monopole or lattice type structure.

(f) Accessory uses and structures. (i) A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or special exception in any district in the Town of La Grange. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

(ii) Each antenna array may have an accessory structure. Accessory buildings or structures at the base of the power line structure or water tower shall not exceed a maximum of twenty

feet by twenty feet (20' x 20'). Accessory buildings or structures shall not exceed one (1) story.

(g) Structural requirements. (i) All new telecommunications towers not on an existing utility structure within the Town of La Grange shall be designed to accommodate a minimum of three (3) antenna arrays.

(ii) All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of two (2) antenna arrays.

(iii) All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of seventy (70) miles per hour with a half inch (1/2") radial ice.

(h) Setbacks. (i) All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to fifty percent (50%) of the tower height or the district yard requirements, whichever is greater.

(ii) In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line, a residential district, a public street or public way shall be one hundred percent (100%) of the tower height plus ten feet (10').

(i) Co-use of utility structures. The co-use of existing utility structures in the Town of La Grange shall be encouraged on existing power line structures and water towers, or other towers exceeding thirty feet (30') in height.

(j) Height. (i) No height restrictions provided that all setback requirements and provisions of this ordinance and other local, state, and federal codes are met.

(ii) In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower, the maximum tower height shall not exceed the height of the structure plus ten feet (10').

(k) Shared use. The shared use of new telecommunications towers within the Town of La Grange shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers or existing structures within a one (1) mile radius of the proposed tower will accommodate a new antenna array for one (1) or more of the following reasons.

(i) The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and

existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.

(ii) The planned equipment would cause Radio Frequency (RF) interference with other existing or planned equipment.

(iii) The planned equipment would not function effectively and reasonably on an existing tower or utility structure.

(iv) Geographic service requirements would prevent the co-use of an existing tower or utility structure.

(l) Security. All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of eight feet (8') or the height of the accessory structures, whichever is greater.

(m) Landscaping. All freestanding towers and utility structures shall have a four foot (4') wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of eight feet (8'). The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.

(n) Vehicle access/parking. (i) The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the planning commission in accordance with access control regulations within this ordinance.

(ii) No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis.

(o) Lighting. (i) Towers. No artificially lighted tower shall be permitted in the Town of La Grange. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

(ii) Structures. Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.

(p) Removal of obsolete towers. Any telecommunications tower that is no longer in use for its original purpose shall be removed at the

owner's expense. The owner shall provide the town with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations. (Ord. #2012-04, Nov. 2012)

14-809. Manufactured residential dwellings. In accordance with Tennessee Code Annotated, § 13-24-201, this zoning ordinance shall not be used to exclude the placement of a residential dwelling on land designated for residential use solely because the dwelling is partially or completely constructed in a manufacturing facility. A structure, transportable in one (1) or more sections, which may be built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of these regulations, the term "manufactured residential dwellings" does not include "mobile home." as herein defined and as further defined in Tennessee Code Annotated, § 13-24-201. This term does not "apply to factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis..."

(1) Manufactured residential dwellings. (a) The unit must be installed on a continuous, permanent, masonry wall with the appearance of a conventional load-bearing foundation wall and appropriate venting and access in order to have a site-built appearance as allowed by Tennessee Code Annotated, § 13-24-202. Manufactured residential dwellings in flood hazard areas must comply with the requirements in Chapter VIII of this ordinance.

(b) The home must be covered with an exterior material customarily used on dwellings in the Town of La Grange. Suitable exterior materials include but shall not be limited to clapboard, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal, plastic panels, or vinyl siding.

(c) The hitches or towing apparatus, axles, and wheels must be removed.

(d) The roof must be pitched so there is at least a six inch (6") vertical rise for each twelve inches (12") of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass.

(e) The unit must be oriented on the lot so that its long axis is parallel with the street.

(f) All such units shall be required to connect to a public utility system which includes electricity, water and sewer in compliance with the building code, other national, state, and local codes. (Ord. #2012-04, Nov. 2012)

14-810. Procedures and requirements for Planned Historic Residential (PHR) or Planned Residential (PR) overlay development districts.

(1) Planned historic residential or planned residential including gated communities. The benefits of Planned Historic Residential (PHR) or Planned Residential (PR) for the Town of La Grange are primarily the promotion of harmony between large land developments and existing single-family development. Specific design standards can assure that such large scale developments do not compromise emergency vehicle access, public/private, maintenance, and open space. All gated communities shall be considered PHR or PRs.

(2) Objectives. The board of mayor and aldermen may, upon proper application, rezone a site of at least twenty-five (25) acres to PHR or PR to allow large developments. In addition, the board may establish standards and procedures, including restricting land uses to only those compatible to surrounding development.

(3) Types of planned historic residential or planned residential. Under this section, the following types of planned developments shall be permitted, subject to the stated requirements. PHR or PRs are established by overlaying a preliminary development plan over the existing district. The overlays are as follows: Planned Historic Residential (PHR) over Historic Residential or Planned Residential (PR) over R-1 and R-2 districts. A zoning amendment is required following the procedures outlined in this section and in accordance this zoning ordinance.

(4) Modification of district regulations. Planned historic residential or planned residential may be construed in the above zoning districts subject to the standards and procedures set forth below:

(a) Except as modified by and approved in the ordinance approving a preliminary development plan, a Planned Historic Residential (PHR) or Planned Residential (PR) shall be governed by the regulations of the district or districts in which the Planned Historic Residential (PHR) or Planned Residential (PR) may provide for the following modifications from the district regulations governing area, setback, width and other bulk regulations, parking, provided such modifications are consistent with the following standards and criteria contained in the specific standards outlined in the following provisions.

The ordinance approving the preliminary development plan for the Planned Historic Residential (PHR) or Planned Residential (PR) may provide for the following modifications from the district regulations governing area, setback, width and other bulk regulations, parking, provided such modifications are consistent with the following standards and criteria contained in the specific standards outlined in the following provisions.

(5) Coordination with subdivision regulations. The uniqueness of each proposal for a Planned Historic Residential (PHR) or Planned Residential (PR) may require that specifications for which the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be

subject to modification from the specifications established in the subdivision regulations adopted by the planning commission. Modifications may be incorporated only with the review of the La Grange Planning Commission and approval of the board of mayor and aldermen as part of its review of the final development plan for the PHR or PR and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the planning commission of the plan.

It is the intent of this ordinance that subdivision review under the subdivision regulations be carried out simultaneously with the review of a Planned Historic Residential (PHR) or Planned Residential (PR) under this section of the zoning ordinance.

The development plans in this section must be submitted in a form which will satisfy the requirements of the subdivision regulations for preliminary and final plats.

(6) General provisions. The following general provisions shall apply to any Planned Historic Residential (PHR) or Planned Residential (PR) Districts created by the board of mayor and aldermen.

(a) Application for Planned Historic Residential (PHR) or Planned Residential (PR) permit required. Each application for a Planned Historic Residential (PHR) or Planned Residential (PR) shall be submitted in accordance with requirements of these regulations and the requirements set forth in the subdivision regulations. Variances to the requirements of both regulations may be granted upon review of the planning commission and approval by the board of zoning appeals.

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

(c) Professional design. The La Grange Planning Commission shall not consider any development plan for any proposed Planned Historic Residential (PHR) or Planned Residential (PR), either on a preliminary or final basis, nor shall the La Grange Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Historic Residential (PHR) or Planned Residential (PR) unless such proposed plan includes a certification that the services of a licensed

civil engineer or licensed land surveyor was utilized in the preparation of the master plan.

(d) Development period: staging. The expeditious construction of any Planned Historic Residential (PHR) or Planned Residential (PR) authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the adopted final development plan.

(i) Start of development. Within one (1) year from and after the date of the action establishing a PHR or PR, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development.

(ii) Completion period. The La Grange Planning Commission may recommend and the board of mayor and aldermen may establish a reasonable period of time for the completion of the Planned Historic Residential (PHR) or Planned Residential (PR) at the time the PHR or PR district is established. If no substantial construction, as determined by the zoning compliance officer (or zoning compliance officer), has begun or no use established in the PHR or PR within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the city board and shall be of no further effect. At its discretion and for good cause, the city board, upon recommendation by the planning commission, may extend for a reasonable time, not to exceed one (1) year, the period for the beginning of construction or the establishment of a use.

(iii) Staging of development. The board of mayor and aldermen may elect to permit the staging to development, in which case, the following provision shall be complied with:

(A) Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of the development. The development staff shall review any proposed phasing plan and recommends to the planning commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, septic fields, parking areas, landscaping, plantings and screening. The developer shall also prepare a cost estimate of the recommended improvements for bonding purposes.

(e) Common open space and public facilities. The requirements of common open space and public facilities shall be in accord with the provisions of this section.

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

The development phasing sequence which is part of the preliminary development plan must coordinate the improvement of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a Planned Historic Residential (PHR) or Planned Residential (PR), but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.

No common open space of a Planned Historic Residential (PHR) or Planned Residential (PR) shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the La Grange Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The planning commission may give consideration to the size and character of the dwellings to be constructed within the Planned Historic Residential (PHR) or Planned Residential (PR), the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.

All land shown on the final development plan as common open space may be either of the following;

(i) Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it.

(ii) Conveyed to an organization for ownership and maintenance.

(A) If the common open space is deeded to a homeowners' and/or property owners' association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted

with the application for preliminary approval. The provisions shall include but not be limited to the following:

(1) The association must be set up before the homes are sold.

(2) Membership must be mandatory for each home buyer and any successive buyer.

(3) The open space restrictions must be permanent, not just for a period of years.

(4) The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.

(f) Dedication of public/private facilities. The La Grange Planning Commission as a condition of approval and adoption and in accordance with the final plat, require that suitable areas for streets, public and private rights-of-way, schools, parks and other common areas be set aside, improved and/or dedicated for common use.

(g) Bond requirement for improvements. The planning commission shall require that a performance bond be furnished and filed with the Town of La Grange for private and public improvements. An escrow agreement and account approved by the town attorney as to form and content and by the planning commission shall be required in the amount of one hundred percent (100%) of the estimated construction cost and engineering. These funds may be dispersed upon certification by the zoning compliance officer (or zoning compliance officer) and by the town acting through the town attorney. Said escrow shall accompany the request for final plan approval to insure completion of all improvements including, but not limited to, public site improvements, streets, surface and subsurface drainage, water lines, septic fields, parking areas, landscaping, planting, and screening, as recommended by the staff.

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

(i) Site planning. Site planning within any PHR or PR shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to, area stormwater management

plans, hydrological studies, water and septic fields, streets, noise and other environmental considerations.

All reports and plans shall be submitted to the planning/building staff or appropriate town departments for review and approval and shall be made a part of the final development plan.

(j) Accessory off-street parking and loading. Accessory off-street parking and loading in the PHR or PR shall be regulated by this zoning ordinance.

(7) Specific standards and criteria for Planned Historic Residential or Planned Residential. In addition to the general standards and general provisions set forth above, planned historic residential or planned residential shall comply with the requirements and standards which follow.

(a) Permitted uses. It is the intent of this ordinance that any site or parcel of land to be developed as PHR or PR shall not be less than twenty-five (25) acres and shall be under single ownership. Within the PHR or PR District, the following uses are permitted subject to review by the planning commission, or board of zoning appeals and approval of the board of mayor and aldermen.

(i) Any permitted use, accessory use, or use on appeal allowed in the underlying residential district.

(b) Residential densities. Density of development shall not exceed the density allowed within the zone, bulk, setbacks, or other requirements.

(c) Regulations governing area, setback, width and other bulk regulations.

(i) The underlying district will govern minimum lot areas, setbacks, building widths, street frontage.

(ii) Maximum lot coverage--seventy-five percent (75%) of the total tract.

(iii) Open space requirements--minimum twenty-five percent (25%) of the total tract shall be open space. The area dedicated for street right-of-way shall not count as open space. Common open space containing natural features such as forest, are encouraged for erosion control. Natural ponds, lakes, and manmade waterways shall be counted as open space. Use of natural and existing manmade drainage features is also encouraged.

(d) Access. Every structure shall be on a lot adjacent to a street or approved private street.

Gated subdivision developments with more than fifty (50) lots or dwelling units shall have at least two (2) separate points of public road access. Developments with one hundred (100) lots or dwelling units shall have at least three (3) separate points of public road access.

Access and circulation shall be provided to adequately assure fire and emergency service, utility and public service delivery as well as

moving and private delivery services. Gated subdivision developments shall have the written approval of fire, police, and ambulance services concerning access safeguards from both county, municipal services, the County 911 system and any private agency with a service are applicable to the proposed Planned Historic Residential (PHR) or Planned Residential (PR). Personnel training and equipment costs shall not be incurred through any proposed Planned Historic Residential (PHR) or Planned Residential (PR).

All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Historic Residential (PHR) or Planned Residential (PR), but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the planning commission.

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

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

(g) Privacy. The Planned Historic Residential (PHR) or Planned Residential (PR) shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planning unit residential development. Protection and enhancement of the property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, and landscaped screens.

(8) Procedures for Planned Historic Residential (PHR) or Planned Residential (PR) approval. The provisions of this section govern the procedure for approval of all planned historic residential or planned residential provided herein.

(a) Pre-application procedure. At least fifteen (15) days prior to filing any application for a Planned Historic Residential (PHR) or Planned Residential (PR), the prospective applicant shall request a pre-application conference with the planning staff.

To obtain information, each applicant shall confer with the zoning compliance officer (or zoning compliance officer) and planning staff. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Historic Residential (PHR) or Planned Residential (PR) application. The zoning

compliance officer (or zoning compliance officer) and staff planner shall furnish the applicant with comments regarding such conference, including appropriate recommendations to conform and assist the applicant prior to his preparing the components of the Planned Historic Residential (PHR) or Planned Residential (PR) application.

(b) Preliminary development plan. A preliminary development plan shall be submitted to the planning commission with the application for the Planned Historic Residential (PHR) or Planned Residential (PR). A final development plan, including all the requirements of a preliminary development plan, may be submitted as a single application when the proposed development plan shall contain all items required by this ordinance and shall include those items which the planning commission shall specify in rules published from time to time, as well as the following.

(i) Written documents. (A) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.

(B) A statement of planning objectives to be achieved by the PHR or PR through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

(C) A development schedule indicating the approximate date when construction of the PHR or PR or stages of the PHR or PR can be expected to begin and be completed.

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

(1) The approximate date when construction of the project can be expected to begin.

(2) The order in which the phases of the project will be built.

(3) The minimum area and the approximate location of common open space and public improvements that will be required at each stage.

(D) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Historic Residential (PHR) or Planned Residential (PR), such as land areas, dwelling units, etc.

(E) Data including the following: total number and type of dwelling units; parcel size; providing lot coverage of

buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figures for useable open space.

(F) A statement setting forth in detail either:

(1) The exceptions which area required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Historic Residential (PHR) or Planned Residential (PR), or

(2) The bulk regulations under which the Planned Historic Residential (PHR) or Planned Residential (PR) is proposed.

(G) deed restrictions, contracts, and homeowners agreements. Gated communities shall stipulate a entity responsible for coordination of access for emergency and law enforcement personnel.

(ii) Site plan and supporting maps. A site plan and any maps necessary to show the major details of the proposed Planned Historic Residential (PHR) or Planned Residential (PR) must contain the following minimum information:

(A) The existing site conditions including contours at two foot (2') intervals, water courses, flood plains, unique natural features and forest cover.

(B) Proposed lot lines and plot designs.

(C) The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, and density per type.

(D) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.

(E) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.

(F) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.

(G) The existing and proposed utility systems including septic fields, ditches, detention/retention areas,

water lines, and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage.)

(H) A general landscape plan indicating the treatment of materials used for private and common open spaces.

(I) Enough information on land areas adjacent to the proposed PHR or PR to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.

(J) The proposed types of screens, fences, and walls.

(K) Any additional information as required by the planning commission necessary to evaluate the character and impact of the proposed planned unit

(c) Preliminary development plan approval process and effect of approval.

(i) At least thirty (30) days prior to the planning commission meeting at which it is to be considered, the owner of the property or his agent shall submit to the planning commission the preliminary development plan, and all other information required under this section. The planning commission shall review the application and shall recommend to the board of mayor and aldermen to: approve; disapprove; or approve the Planned Historic Residential (PHR) or Planned Residential (PR) subject to conditions. The planning commission may also defer a decision or take the matter under advisement until the next regular meeting.

(ii) The board of mayor and aldermen shall hold a public hearing on the application for the Planned Historic Residential (PHR) or Planned Residential (PR) and the preliminary plan after receipt of recommendations from the planning commission, public utilities, and town attorney and any notice of appeal. The board of mayor and aldermen shall establish a date for a public hearing and shall provide written notice and publication in accordance with map amendment procedures of this ordinance. The board of mayor and aldermen shall render a decision on any appeal and shall: approve; disapprove; or approve the proposed Planned Historic Residential (PHR) or Planned Residential (PR) and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.

(iii) The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the Town of La Grange Board with respect to the contents of such plan.

(iv) The preliminary development plan shall be used in lieu of a master subdivision plan.

(v) The La Grange Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

(d) Final Development plan approval process.

(i) An application for approval of a final development plan of the entire Planned Historic Residential (PHR) or Planned Residential (PR), if it is to be completed in one (1) phase, or of a portion of the Planned Historic Residential (PHR) or Planned Residential (PR), if it consists of more than one (1) phase, shall be submitted by the applicant at least thirty (30) days prior to the planning commission meeting.

(A) A plan suitable for recording with the Fayette County Register's Office

(B) Proof referred to on the plan and satisfactory to the town attorney as to the provision and maintenance of common open space.

(C) All certificates, seals and signatures required for the dedication of land and recordation of documents.

(D) Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross area and the gross floor area for recreational or community facilities.

(E) Location and type of landscaping.

(F) Location and dimensions of utility and drainage facilities.

(G) All other requirements of a final plan under the La Grange Subdivision Regulations.

(H) Proof referred to on the plan and satisfactory to the town attorney, county attorney, county, municipal services, the County 911 system and any private agency with a service area applicable to the proposed Planned Historic Residential (PHR) or Planned Residential (PR) as to the concerning access safeguards from both county, municipal services, the County 911 system and any private agency with a service area applicable to the proposed Planned Historic Residential (PHR) or Planned Residential (PR).

(ii) A decision shall be rendered on a final development plan by the planning commission. If a final plan is disapproved by the planning commission the applicant may file a final development plan which substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved preliminary development plan.

(iii) After a final development plan is approved by the planning commission, the zoning compliance officer (or zoning compliance officer) shall record such plan in the Fayette County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the Town of La Grange Subdivision Regulations and the required signatures for recordation have been secured.

(e) Zoning administration--permits. The zoning compliance officer may issue building permits for the area of the Planned Historic Residential (PHR) or Planned Residential (PR) covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable ordinances and regulations. However, the zoning compliance officer shall not issue an occupancy permit for any building or structure shown on the final development plan of any stage of the Planned Historic Residential (PHR) or Planned Residential (PR) unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or homeowners' association or a responsible party. The zoning compliance officer shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structures conforms to the requirements of the approved final development plan and all other applicable regulations and ordinances.

(f) Reapplication if denied. If any application for a Planned Historic Residential (PHR) or Planned Residential (PR) is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Historic Residential (PHR) or Planned Residential (PR) may not be filed within twelve (12) months of the date final action was taken on the previous application unless such reapplication is initiated by the planning commission or authorized by the board of mayor and aldermen.

(g) Procedure for amendment. A Planned Historic Residential (PHR) or Planned Residential (PR) and the approved preliminary development plan may be amended in accordance with the procedure which governed its approval as set forth in this section. (Ord. #2012-04, Nov. 2012)

CHAPTER IX

HISTORIC PRESERVATION FOR THE TOWN OF LA GRANGE¹

HISTORIC ZONING PROVISIONS

14-901. Statement of purpose. Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting.

More specifically, this historic preservation ordinance is designed to achieve the following goals:

(1) Protect, enhance and perpetuate resources which represent distinctive and significant elements of the town's historical, cultural, social, economic, political archaeological, and architectural identity.

(2) Insure the harmonious, orderly, and efficient growth and development of the town.

(3) Strengthen civil pride and cultural stability through neighborhood conservation.

(4) Stabilize the economy of the town through the continued use, preservation, and revitalization of its resources.

(5) Promote the use of resources for the education, pleasure, and welfare of the people of the Town of La Grange.

(6) Provide a review process for the preservation and development of the town's resources. (Ord. #2012-04, Nov. 2012)

14-902. Historic zoning commission; composition and terms. The town is authorized to establish a historic zoning commission to preserve, promote, and develop the town's historical resources and to advise the town on the designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by Tennessee Code Annotated, §§ 13-7-401 through 13-7-410.

The commission shall consist of seven (7) members and which shall consist of a representative of a local patriotic or historical organization; an architect or engineer, if available; a person who is a member of the local planning commission at the time of his/her appointment; and the remainder shall be from the community in general. The position of architect or engineer may be filled by a local citizen at the time of adoption. The terms of the historic zoning commission shall be five (5) years. Members are eligible to serve more than one (1) term. The term of at least one (1) member shall expire each year. Appointments are made by the mayor and are confirmed by the chief legislative body of the municipality.

¹Design Guidelines La Grange Tennessee is included in its entirety as Appendix B.

All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation, to the extent available in the community. The town should appoint professional members from the primary historic preservation-related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. The town shall document a "good faith effort" to locate professionals to serve on the commission before appointing lay members. The commission shall also seek the advice, as needed, of professionals not serving on the board. (Ord. #2012-04, Nov. 2012)

14-903. Powers of the commission. (1) The commission shall conduct or cause to be conducted a continuing study and survey of resources within the Town of La Grange.

(2) The commission shall recommend to the town the adoption of ordinances designating preservation districts, landmarks, and landmark sites.

(3) The commission may recommend that the town recognize sub-districts within any preservation district,

(4) The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource within the preservation districts, landmarks, and landmarks sites.

(5) The commission shall grant or deny certificate of appropriateness, and may grant certificate of appropriateness contingent upon the acceptance by the applicant of specified conditions.

(6) The commission does not have jurisdiction over interior arrangements of buildings and structures, except where such change will affect the exterior of the building and structures.

(7) The commission, subject to the requirements of the town, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the town for the purpose of carrying out the provisions of this ordinance.

(8) The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment,

(9) The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land or water for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private dwelling or structure without the express consent of the owner of record or occupant thereof. (Ord. #2012-04, Nov. 2012)

14-904. Rules of order (by-laws). To fulfill the purposes of this ordinance and carry out the provisions contained therein, the historic zoning commission shall adopt by-laws. (Ord. #2012-04, Nov. 2012)

14-905. Criteria for issuance of certificate of appropriateness. The commission shall use the Secretary of the Interior's standards for rehabilitation, as the basics for design guidelines created for each district or landmark and the following criteria in granting or denying certificate of appropriateness. (Ord. #2012-04, Nov. 2012)

14-906. Procedures for issuance of certificate of appropriateness. In accordance with Tennessee Code Annotated, § 13-7-408, The historic zoning commission shall, within thirty (30) days following the availability of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny the certificate, and shall state the grounds for denial in writing. In its review of any such work to be undertaken in a historic district or zone, the historic zoning commission or the regional historic zoning commission shall apply the applicable review guidelines and give prime consideration to:

- (1) Historic or architectural value of the present structure;
- (2) The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district;
- (3) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
- (4) Any other factor, including aesthetic, which is reasonably related to the purposes of title 13, chapter 7, part 4. (Ord. #2012-04, Nov. 2012)

14-907. Economic hardship. No decision of the commission shall cause undue economic hardship. If an applicant request a hearing on economic hardship it shall be conducted after a certificate of appropriateness has been denied. (Ord. #2012-04, Nov. 2012)

14-908. Appeals. The applicant who desires to appeal a decision by the commission shall file an appeal with the circuit court (after the determination of the issue by the commission) in the manner provided by law. (Ord. #2012-04, Nov. 2012)

14-909. Minimum maintenance requirements. In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the town's minimum housing code and the town's building code. (Ord. #2012-04, Nov. 2012)

14-910. Public safety exclusion. In accordance with Tennessee Code Annotated, § 13-7-407, this ordinance prevents the demolition by neglect of any designated landmark or any building or structure within an established historic zone or district by requiring a certificate of appropriateness may be requested of a property owner by a majority vote of historic zoning commission in accordance with this ordinance and/or the guidelines as established by the historic zoning commission under state and federal laws or regulations. This

vote may be requested by a zoning compliance officer, the mayor, or an officer of the historic zoning commission. The property owner in question shall be informed by registered mail at least fifteen (15) days prior to the meeting at which the vote is requested.

None of the provisions of this ordinance shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the town zoning compliance officer or the fire department and where the proposed actions have been declared necessary by such authorities to correct the said condition provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a preservation district, shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

(1) The town zoning compliance officer concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.

(2) The historic zoning commission, if in doubt after receiving such notification from the town zoning compliance officer, shall be allowed time to seek outside professional expertise from the state historic preservation office and/or an independent structural engineer before issuing a certificate of appropriateness for the demolition. The commission may indicate in writing by letter to the town zoning compliance officer that it will require a time period of up to thirty (30) days for this purpose, and upon such notification to the town zoning compliance officer, this section shall be suspended until the expiration of such a delay period. (Ord. #2012-04, Nov. 2012)

14-911. Enforcement and penalties. The historic zoning commission shall be enforced by the town zoning compliance officer, who shall have the right to enter upon any premises necessary to carry out his duties in this enforcement.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (Ord. #2012-04, Nov. 2012)

14-912. Appropriations. The town is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties. (Ord. #2012-04, Nov. 2012)

14-913. Disqualification of members by conflict of interest.

Because the town may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law, or real estate, and in order not to impair such residents from practicing their trade for hire, members of the commission are allowed to contract their services to an applicant for a certificate of appropriateness, and, when doing so, must expressly disqualify themselves from the commission during all discussions and voting for that application. In such cases, the town shall, upon the request of the chairman of the commission or the vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member, and who will serve for that particular case only. If no qualified resident of the town is able to substitute for the disqualified member, the Town may appoint, in this case only, a qualified substitute who is a resident. If any member of the commission must be disqualified due to a conflict of interest on a regular and continuing basis, the chairman or the vice-chairman, in his stead, shall encourage the member to resign his commission seat. Failing this resignation, and, if the commission member continues to enter into conflict of interest situations with the commission, the chairman or vice-chairman of the commission shall encourage the town to replace the member. Likewise, any member of the commission who has an interest in the property in question or in property within three hundred feet (300') of such a property, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the commission shall be disqualified from participating in the consideration of any request for a certificate of appropriateness involving such a property. In such cases, a qualified substitute shall be appointed as provided above. (Ord. #2012-04, Nov. 2012)

14-914. Severability. The requirements and provisions of this chapter are separable. If any article, section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the court shall not affect the validity or applicability of the ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative. (Ord. #2012-04, Nov. 2012)

CHAPTER X

ADMINISTRATION AND ENFORCEMENT

14-1001. Administration. The provisions of this ordinance shall be administered and enforced by a zoning compliance officer (or building inspector) appointed by the chief legislative body. He may be provided with the assistance of such other persons as the chief legislative body may direct and shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement and administration of this ordinance. (Ord. #2012-04, Nov. 2012)

14-1002. Enforcement. If the zoning compliance officer (or building inspector) shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person, or persons, responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions. (Ord. #2012-04, Nov. 2012)

14-1003. Building permit provisions. (1) 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 zoning compliance officer (or building inspector) has issued a building permit for such work. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written order from the board of zoning appeals.

(2) In applying to the zoning compliance officer (or building inspector) for a building permit, the applicant shall submit a site plan as required under this zoning ordinance. The applicant shall also state the existing and intended use of all such buildings and supply such other information as may be required by the zoning compliance officer (or 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 Town of La Grange, then in force, the zoning compliance officer (or building inspector) shall issue a building permit for such excavation or construction. If a building permit is refused, the zoning compliance officer (or building inspector) shall state such refusal in writing with the cause. Historic zoning provisions will apply in the historic districts and may require other information.

(3) The issuance of a permit shall in no case be construed as waiving any provision of this ordinance or historic guidelines.

(4) A building permit or site plan 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. (Ord. #2012-04, Nov. 2012)

14-1004. Certificates of zoning compliance. (1) It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning compliance officer (or building inspector) stating that the proposed use of the building or land conforms to the requirements of this ordinance.

(2) No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certification of zoning compliance shall have been issued by the zoning compliance officer (or building inspector). The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for certificates of zoning compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.

(3) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

(4) A temporary certificate of zoning compliance may be issued by the zoning compliance officer (or building inspector) for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect safety of the occupants and the public.

(5) The zoning compliance officer (or building inspector) shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

(6) Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under the general penalty clause for this code. (Ord. #2012-04, Nov. 2012)

14-1005. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in the violation of this ordinance, the zoning compliance officer (or 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 or use of such building, structure or land. (Ord. #2012-04, Nov. 2012)

CHAPTER XI

BOARD OF ZONING APPEALS

14-1101. Purpose. The board of zoning appeals is created as an appellate board to review: actions of the zoning compliance officer (or building inspector); applications for special exceptions, requests for variances, and other actions as specified in this ordinance or in Tennessee Code Annotated. Appeals concerning the historic zoning commission are governed in accordance with title 13, chapter 7, part 4. In all cases the actions of the board of zoning appeals for the Town of La Grange shall be governed as set forth below. (Ord. #2012-04, Nov. 2012)

14-1102. Creation and appointment. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, § 13-7-205. The board of zoning appeals shall consist of five (5) members, not less than one (1) of whom shall be a member of the La Grange Historical Zoning Commission and one (1) of whom shall be a member of the La Grange Board of Mayor and Aldermen appointed by the mayor and confirmed by a majority vote of the board of mayor and aldermen. The term of membership shall be five (5) years, except that the initial individual appointments to the board shall be terms of one (1), two (2), three (3) years, respectively. Terms of the appointees of the historical zoning commission and board of mayor and aldermen shall run concurrently with those positions, but shall not exceed five (5) years without being reappointed by the board of mayor and aldermen. Vacancies shall be filled for an unexpired term by appointment from the mayor with confirmation by the board of mayor and aldermen.

All members of the board shall serve with such compensation as may be fixed by the board of mayor and aldermen and may be removed from membership by majority vote of the board of mayor and aldermen for continued absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. (Ord. #2012-04, Nov. 2012)

14-1103. Powers and duties of board. (1) Administrative reviews. The board of zoning appeals shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, permit, decision, determination or refusal made by the zoning compliance officer (or building inspector) or other administrative official in the enforcement of any provision of this ordinance.

(2) Granting of variances. The board of zoning appeals shall have the power to authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

(3) Special exceptions. The board of zoning appeals shall have the power to hear and decide only such special exceptions as the board of zoning appeals is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. (Ord. #2012-04, Nov. 2012)

14-1104. Proceedings of board. The board of appeals shall adopt rules for the transaction of its business and the regulation of procedure before it. Meetings of the board shall be held at such times and at such places within the town as the board may designate, and meetings may be held at any time at the call of the chairman. The chairman of the board, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examination and other official action, all of which shall be immediately filed in the city hall and shall be a public record. Upon appointment and annually the board of zoning appeals shall meet and organize and shall elect its own chairman who shall serve one (1) year or until his successor duly qualifies. (Ord. #2012-04, Nov. 2012)

14-1105. Appeals to board. Appeals may be taken to and before the board of appeals by any person aggrieved, or by any officer, department, board or bureau of the town. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the zoning compliance officer (or building inspector) from whom the appeal is taken and with the board, a written notice of appeal and specifying the grounds thereof. The zoning compliance officer (or building inspector) shall forthwith transmit to the board of appeals all of the papers constituting the record upon which the action appealed from was taken. (Ord. #2012-04, Nov. 2012)

14-1106. Notices and hearings. The board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give due giving 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 appeal in person or by agent or by attorney. The applicant shall be responsible for the pay of an application fee established by the board of mayor and alderman. The minimum fee shall cover any cost for the publication of the public hearing notice. (Ord. #2012-04, Nov. 2012)

14-1107. Appeals from board. Any person or persons, or any board, taxpayer, department, board or bureau of the town aggrieved by any decision of

the board of zoning appeals may seek review by a court of record of such decision, in the manner provided by the laws of the state. (Ord. #2012-04, Nov. 2012)

14-1108. Administrative review procedures. (1) It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the board of zoning appeals only on appeal from the decision of the administrative official, and that recourse from the decision of the board of zoning appeals shall be to the courts as provided by law.

(2) A reversal or amendment of an administrative decision of interpretation of this ordinance by the zoning compliance officer (or building inspector) shall not be granted by the board of zoning appeals unless and until:

(a) A written application for review of such order, requirement, permit, decision, determination, or refusal made by the zoning compliance officer (or building inspector) shall be submitted;

(b) The board of zoning appeals shall find sufficient grounds to decide that an error was made;

(c) In exercising its power, the board of zoning appeals may, so long as such action is in conformity with the terms of this ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official and from whom the appeal is taken. (Ord. #2012-04, Nov. 2012)

14-1109. Variance procedures. (1) Variance. To hear and decide applications for variance from the terms of this ordinance, but only where by reason of exceptional narrowness, shallowness or shape of specific piece of property which at the time of adoption of this ordinance or preceding zoning ordinance or amendments was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions of a piece of property the strict application of the provisions of the ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning and as further explained below.

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(a) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out.

(b) The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.

(c) The variance will not authorize activities in a zoning district other than those permitted by this ordinance.

(d) Financial returns alone shall not be considered basis for granting a variance.

(e) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.

(f) That granting of the variance requested will not confer on this applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

(g) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(h) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.

(i) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(j) The variance is not based on the fact of non-conforming use of neighboring lands, structures, or buildings in the same district.

(k) Under no circumstances shall the board of appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(2) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this ordinance. (Ord. #2012-04, Nov. 2012)

14-1110. Special exception procedures. A special exception shall not be granted by the board of zoning appeals unless and until:

(1) A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.

(2) The board of zoning appeals shall make a finding that it is empowered under these sections of this ordinance described as a special exception in the application to grant such exception, and that the granting of the special exception will not adversely affect the public interest.

(3) In granting any special exception, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception shall void the approval. (Ord. #2012-04, Nov. 2012)

14-1111. Restrictions. The board of zoning appeals shall not have the power to permit a use prohibited by this ordinance, have the power to subdivide land, or exercise any power granted to the planning commission or legislative body as provided under Tennessee Code Annotated or other applicable law. (Ord. #2012-04, Nov. 2012)

CHAPTER XII

AMENDMENT

14-1201. Amendment requirements. Whenever the public necessity, convenience, general welfare, or good zoning practice justified such action, the Board of Aldermen of the Town of La Grange may from time to time, amend, supplement, or change by ordinance the boundaries of districts or regulations herein established. Any proposed amendment, supplement, or change shall first be submitted to the La Grange Municipal Planning Commission for its recommendation and report. (Ord. #2012-04, Nov. 2012)

14-1202. Amendment application. A proposed change of district or of text may be initiated by the La Grange Municipal Planning Commission, the board of aldermen, or by application of one (1) or more owners of property within the area proposed to be changed. (Ord. #2012-04, Nov. 2012)

14-1203. Application fee. Before any action is taken upon any application as provided in this section, either by the La Grange Municipal Planning Commission or the board of aldermen, the applicant shall deposit with the La Grange Municipal Planning Commission the fee prescribed by the board of aldermen to cover the approximate cost of the procedure and the commission shall then deposit this amount with the town recorder where it shall be credited to the general revenue fund of the town. The failure of either the planning commission or the board of aldermen to approve the change shall not be construed as any reason for refunding the deposit to the applicant. (Ord. #2012-04, Nov. 2012)

14-1204. Public notice and hearing. Before enacting the zoning ordinance or any amendment thereof, the chief legislative body shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. No change in or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved receive the favorable vote of the majority of the entire membership of said chief legislative body. (Ord. #2012-04, Nov. 2012)

14-205. Planning commission recommendation. The La Grange Municipal Planning Commission may recommend that the regulations or the district map be changed as requested, be made, or that no change be made. This recommendation shall be forwarded to the board of aldermen. (Ord. #2012-04, Nov. 2012)

CHAPTER XIII

LEGAL STATUS PROVISIONS

14-1301. Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of La Grange, Tennessee, the most restrictive shall in all cases apply. (Ord. #2012-04, Nov. 2012)

14-1302. Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #2012-04, Nov. 2012)

14-1303. Effective date. This ordinance shall take effect and be in force immediately after adoption, the public welfare requiring it. (Ord. #2012-04, Nov. 2012)