

ZONING ORDINANCE  
ROGERSVILLE, TENNESSEE

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Nashville, Tennessee  
Tennessee State Planning Commission  
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Prepared for

ROGERSVILLE REGIONAL PLANNING COMMISSION

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ZONING ORDINANCE  
OF THE  
THE TOWN OF ROGERSVILLE, TENNESSEE

AUTHORITY

An ordinance, in pursuant of the authority granted by Sections 13-703 through 13-716, Tennessee Code Annotated for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts with the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces,, the density of population and the use of land, buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Alderman of the Town of Rogersville:

Article I. SHORT TITLE

This ordinance shall be known as the “Zoning Ordinance of the Town of Rogersville, Tennessee,” and the map herein referred to, which is identified by the title “Zoning Map of the Town of Rogersville, Tennessee,” dated June 1971 and all explanatory matter thereon are hereby adopted and made a part of this ordinance. (Ord. #1-71-129, June 1971)

ARTICLE II. PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. #1-71-129, June 1971)

### ARTICLE III. DEFINITIONS

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word “shall” is mandatory, not directory. The word “used” or “occupied” as applied to any land or building shall be construed to include the word “intended”, arranged or designed to be used or occupied.

**ARTERIAL STREET:** A street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land, as shown on the “Zoning Map of the Town of Rogersville.”

**BOARDING OR ROOMING HOUSE:** A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without means for compensation.

**BUFFER STRIP:** A plant material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height.

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

- (a) **Principal building:** A building in which is conducted the main or principal use of the lot on which said building is located.
- (b) **Accessory building or use:** A building or use customarily incidental and subordinate to the principal buildings or use and located on the same lot with such building or use.

**BUILDING HEIGHT:** The vertical distance measured from the finished grade at the building line to the highest point of the roof.

**BUSINESS SIGN:** A sign which directs attention to a business or profession conducted on the premises. A “For Sale” sign or a “To Let” sign for the property on which it is displayed shall be deemed a business sign.

**COLLECTOR STREET:** A street providing for traffic movement within the town as shown on the “Major Road plan of the Town of Rogersville”.

**DUPLEX:** A building design, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.

**DWELLING:** A building designed or used as the permanent living quarters for one or more families.

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

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

- (a) Lot line: The boundary dividing a given lot from a street, alley, or adjacent lots.
- (b) Lot of record: A lot, the boundaries of which are filed as legal record.

**MOBILE HOME.** A detached single family dwelling unit with all of the following characteristics: Designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the hike.

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

**NURSING HOME:** One licensed by the State of Tennessee.

**OUTDOOR ADVERTISING:** Free standing signs seating a total of 200 square feet per facing, also commonly referred to as billboards or poster panels, which advertise any products, businesses or services, or make any announcement whatsoever for the purpose of conveying some information, knowledge or idea to the public.

**PORTABLE SIGNS:** Any sign which is or intended to be affixed or mounted to a frame with wheels for the express purpose of easy mobility, is intended ordinarily to be leased for short periods of time for promotion of sales, grand openings, etc.



**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 other than for a janitor or domestic employee shall not be counted as a story.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

**TOTAL FLOOR AREA:** The area of all floors of a building including finished attic, finished basement and covered porches.

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

- (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, including covered porches.
- (b) Rear yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.
- (c) Side yard: A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches. (Ord. #1-71-129, June 1971, as amended by Ord. #3-11-86-3, May 1986, Ord. #3-88-41, May 1988 and Ord. #04-08-03-1, June 2003)

#### ARTICLE IV. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance the Town of Rogersville, Tennessee is hereby divided into ten (10) classes of district as follows:

Residence –	R-1 District –	Low density
Residence –	R-2 District –	Medium density
Residence –	R-3 District –	High density
Residence –	M-R District –	Medical-residential
Business –	B-1 District –	Neighborhood business
Business –	B-2 District –	Central business
Business –	B-3 District –	Intermediate business

Business –	B-4 District –	Arterial business
Industrial –	M-1 District –	Industrial
Historical –	H-1 District –	Historical

The boundaries of these districts are hereby established as shown on the map entitled “Zoning Map of the Town of Rogersville, Tennessee,” dated June 1971, and all amendments thereof, which is a part of this ordinance and which is on file in the office of the Town Recorder. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines, a line midway between the main track of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals. (Ord. #1-71-129, June 1971)

#### ARTICLE V. APPLICATION OF REGULATIONS

Except as here in provided:

Section A. 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.

Section B. Street frontage. No dwelling shall be erected on a lot which does not abut on a street for at least forty(40) feet.

Section C. Corner lots. The minimum width of a side yard along an intersecting street shall be 50 percent greater than the minimum side yard requirements of the district in which the lot is located.

Section D. One principal building on a lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot.

Section E. Reduction lot size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this ordinance shall not be maintained.

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

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

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

Section I. Annexations. All territory which may hereafter be annexed to the Town of Rogersville, Tennessee shall be considered to be in the R-1 (Low Density Residential) District until otherwise classified.

Section J. Outdoor advertising: Outdoor advertising as defined herein is prohibited in the corporate limits of the Town of Rogersville. (Ord. #1-71-129, June 1971, as amended by Ord. #3-8-88-4, May 1988)

## ARTICLE VI. GENERAL PROVISIONS

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

1. No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which manifestly arranged or designed for such use prior to the time of enactment of this ordinance.
2. Any nonconforming building which has been damaged by fire or causes, may be reconstructed and used as before unless the building inspector determines that the building is damaged to the extent of more than seventy-five (75) percent of its appraised value

for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

3. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance.
4. All nonconforming outdoor advertising signs, junk yards, commercial animal yards, and lumber yards not on the same lot with a plant or factory shall be required to conform to the provision of this ordinance within one (1) year from official notification by the Building Inspector.

Section B. Off-street automobile parking. Off street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established except in the B-2 (Central Business) District. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred square feet in area and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.

1. Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.
2. Churches: One space for each four (4) seats
3. Clubs and lodges: One space for each three hundred (300) square feet of floor space over one thousand feet.
4. Dwellings: Single Family-Two spaces per dwelling unit  
Two Family-Two spaces per dwelling unit  
Multiple Family-Two spaces per dwelling unit  
Multiple family intended exclusively for occupancy by elderly tenants only-one space per dwelling unit.
5. Funeral parlors: One space for each four (4) seats in the chapel.
6. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one space for each employee.

7. Hospitals and nursing homes: One space for each two (2) staff or visiting doctors plus one space for each two (2) employees and one space for each four (4) beds, computed on the largest number of employees on duty at any period of time.
8. Hotel: One space for each three (4) employees plus one space for each two (2) guestrooms.
9. Industry: One space for each three (3) employees, computed on the largest number of persons employed at any period during day or the night.
10. Motels and tourist courts: One space for each four (4) employees plus one space for each accommodation.
11. Offices: Medical-one space for each three hundred (300) square feet of floor space.  
  
Other professional-One space for each four hundred (400) square feet of floor space  
  
General-One space for each four (400) square feet of floor space.
12. Places of public assembly: One space for each five (5) seats in the principal assembly room or area.
13. Recreation and amusement areas without seating capacity: One space for each five (5) customers, computed on maximum service capacity.
14. Restaurants: One space for each (4) employees, plus one for each one hundred (100) square feet of floor space devoted to patron use.
15. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.
16. Schools: One space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.
17. Mobile home parks: One space for each mobile home.
18. Wholesale business: One space for each three (3) employees based on maximum seasonal employment.

19. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. 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.
20. Extension of parking space into a residential district: Required parking space may extend up to 120 feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the building inspector.

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

1. Retail business: One space of at least 12 x 25 feet for each 3,000 square feet of floor area or part thereof.
2. Wholesale and industrial: One space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.
3. Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

Section D. Vision clearance. In all districts except the B-2 (central business) district, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

Section E. Flood protection. Any structure proposed to be located within fifty (50) feet of any main drainage channel or stream (hereafter referred to as a stream) within the Town of Rogersville, Tennessee must be approved by the Rogersville Regional Planning Commission. The planning Commission shall determine, on the basis of the watershed and the probable runoff, the openings

needed for the stream and how close a structure may be built to the stream in order to assure adequate space for flow of flood water. However, in no case shall a building or structure be permitted within fifteen (15) feet of the top of the bank of any stream. (Ord. #1-71-129, June 1971, as amended by Ord. #3-10-92-3, May 1992)

## Article VII. PROVISIONS GOVERNING USE DISTRICTS

Section A. R-1 (low density) residential. It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of the R-1 (low density) residential district as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted.

1. Single family residences, except mobile homes;
2. Customary general farming;
3. Customary home occupations provided that there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than 30 percent of the total floor area of the dwelling is used.
4. Public owned building and uses, schools offering general education, and churches provided that:
  - (a) The location of these shall first be reviewed by the Rogersville Regional Planning Commission;
  - (b) The buildings are placed not less than fifty (50) feet from the side and rear property line;
  - (c) There are planted buffer strips along side and rear property lines.
5. Customary accessory buildings provided that they are located in rear yards and not closer than five (5) feet to any property line.

Section B. R-2 (medium density) residential. It is the intent of this district to provide areas for single family, two family and duplex dwellings; to

encourage development and continued use of the land for residential purposes; to prohibit business and business and industrial uses and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the R-2 (medium density) residential district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Any use permitted in the R-1 Residential District;
2. Two family and duplex dwellings subject to site plan approval;
3. Boarding and rooming houses.

Section C. R-3 (high density) residential. It is the intent of this district to provide areas for high density residential development plus open areas where similar development is likely to occur. Professional services are permitted in the district provided that they meet applicable standards, and are limited so as not to encourage general business activity. In order to achieve the intent of the R-3 (high density) residential district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Any use permitted in the R-2 Residential District;
2. Mobile home parks provided that they conform to requirements of the mobile home park ordinance of the Town of Rogersville;
3. Medical clinics, fraternal organizations and clubs not operated for profit and nursing homes, provided the location of these uses shall first be reviewed by the Rogersville Regional Planning Commission.
4. Multi-family dwellings subject to site plan approval;

Section D. M-R (medical residential) district. It is the intent of this district to provide areas for single and multi-family dwellings; to encourage development and continued use of the land for medical institutional purposes coupled with compatible business uses. Professional services are permitted in the district provided that they meet applicable standards. In order to achieve the intent of the M-R (medical-residential) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Single family dwellings, except mobile homes; two family dwellings, floral shops, barber shops, beauty shops hospitals, medical and dental clinics, clinical laboratories, nursing homes,



convalescent homes, drug stores, parking lots, office or studio of the following professional occupations: chiropractor, dentist, masseur, optometrist, osteopath and physician.

2. Business signs provided that all signs shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings not have flashing intermittent or moving illumination.

Section E. B-1 (neighborhood business) district. It is the intent of this district to establish business areas to serve surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the B-1 (neighborhood business) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Any use permitted in the R-3 Residential District, except mobile home parks;
2. Shopping centers subject to site plan approval;
3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, Laundromats and laundry pick-up stations, restaurants, mini storage facilities and similar uses;
4. Hospitals, funeral homes, offices for doctors, lawyers, dentists, architects, real estate agencies and insurance agencies.
5. Business signs provided that all signs, except one detached sign shall be allowable in shopping center developments, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings not have flashing intermittent or moving illumination.
6. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines. Points of access and egress shall be not less than fifteen (15) feet from intersection of street lines.

Section F. B-2 (central business) district. It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses that

serve the general public and to discourage industrial, and wholesale development, which do not lend themselves to pedestrian traffic. In order to achieve the intent of the B-2 (central business) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Stores and shops conducting retail business;
2. Personal, business, and professional services;
3. Public and semi-public buildings and uses provided that public and semi public buildings and uses shall first be reviewed by the Rogersville Regional Planning Commission;
4. Business signs and parking lots.
  - (a) No sign may be so arranged that it interferes with traffic through glare, through blocking or reasonable sight lines for streets, sidewalks or driveways, through confusion with a traffic control device (by reason of its color, location, shape, or other characteristics), or through any other means. Rotation beacons are prohibited.
  - (b) Any portion of a sign or a pole or standard for such sign which is in contact with the ground shall be within the lot lines of the property.
5. Lodges and clubs; hotels and motels, restaurants and similar services.

Section G. B-3 (intermediate business) district. It is the intent of this district to establish an area adjacent to the B-2 (central business) district which will support those uses and to encourage commercial development to concentrate to the mutual advantage of consumers as well as to provide for adequate space and sufficient depth from the street for the transactions of the district, thereby strengthening the economic base and protecting public convenience. In order to achieve the intent of the B-3 (intermediate business) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted:

1. Any uses permitted in the R-3 residential district, except mobile homes;
2. Any use permitted in the B-2 district;

3. Wholesale business, warehouses, storage yards and buildings;
4. Auto and mobile home sales;
5. Auto repair garages and similar operations;
6. Hospitals, funeral homes, offices for doctors, lawyers, dentist, architects, real estate agencies and insurance agencies;
7. Gasoline service stations provided that all structures including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of access and egress shall be not less than fifteen (15) feet from intersection of street lines.

Section H. B-4 (arterial business) district. It is the intent of this district to establish business areas that encourage the grouping of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of the B-4 (arterial business) district as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted subject to site plan approval:

1. Any use permitted in B-1 districts, except mobile homes;
2. Hotels and motels;
3. Auto and mobile home sales;
4. Restaurants;
5. Offices;
6. Places of amusement and assembly; lodges and clubs;
7. Funeral homes;
8. Public and semi-public buildings and uses;
9. Travel trailer parks;
10. Service stations;
11. Business signs.

- (a) No sign may be so arranged that it interferes with traffic through glare, through blocking or reasonable sight lines for streets, sidewalks or driveways, through confusion with a traffic control device by reason of its color, location, shape, or other characteristics, or through any other means. Rotation beacons are prohibited.
- (b) Any portion of a sign or standard for said sign which is in contact with the ground shall be within the lot line of the property.

Section I. M-1 (industrial) district. It is the intent of this district to establish industrial areas along with open areas that will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote and encourage industrial, wholesaling, and business uses and to discourage residential development. In order to achieve the intent of the M-1 (industrial) district, as shown on the zoning map of the Town of Rogersville, Tennessee, the following uses are permitted subject to site plan approval:

1. Any use permitted in business districts except residences;
2. Terminals;
3. Wholesale business
4. Warehouses;
5. Storage yards and buildings and similar uses;
6. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Building Inspector.
7. Adult oriented establishments: Sexually explicit establishments which cater to exclusively or predominantly adult clientele, including, but not limited to, adult bookstores, adult theaters adult motion picture theaters, cabarets and other enterprises which regularly feature material, acts, or displays involving complete nudity or exposure of human genitals, pubic regions, buttocks or female breast and/or sexual enticement or excitement.

Because adult oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create

traffic congestion and depress nearby residential neighborhoods and retail districts there activities will only be permitted when minimum conditions are met.

The following minimum conditions must be compiled with for a site to be approved for adult oriented establishments:

- (a) The site shall be not less than one thousand feet from any residentially zoned property at the time of approval for an adult oriented establishment.
- (b) The site shall be not less than one thousand feet from the site of any public amusement or entertainment activity, including, but not limited to, arcades, motion picture theaters, bowling alleys, marinas, golf courses, playgrounds, ice skating or roller skating rinks or arenas, zoos, community centers and similar amusements offered to the general public.
- (c) The site shall be not less than one thousand feet from any devoted to public recreation activity.
- (d) The site shall be not less than one thousand feet from any school, library, day care center, park, church, mortuary or hospital.
- (e) The site shall be not less than one half mile from any other adult oriented establishment.
- (f) Measurement shall be made from the nearest recorded property line of the lot on which the adult oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the Rogersville Zoning Map.
- (g) Maps showing existing land use and zoning within one half mile of the proposed site should be submitted with an application for use on review approval along with site plans, surveys or other such special information as might reasonably be required by the building inspector for use in making a thorough evaluation of the proposal.

Section J. H-1 historic district. It is the intent of this district to preserve the historic sites and structures of the Town of Rogersville. The

requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance to town's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote education and patriotic heritage of the present and future citizens of the community. In order to achieve the intent of the H-1 historic district as shown on the Official Zoning Map of Rogersville, Tennessee, the following regulations shall apply.

1. The inclusion of additional territory within the H-1 district classification may be recommended to the Rogersville Planning Commission and the board of mayor and aldermen where the following criteria shall be determined to exist by the historic preservation commission.

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association, and :

- (a) Are associated with events that have made a significant contribution to the broad patterns of our history; or
  - (b) Are associated with the lives of persons significant to our past; or
  - (c) Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - (d) Have yielded, or may be likely archaeological information; or
  - (e) Is listed in the National Register of Historic Places.
2. Application for building permit shall be made to the Building Inspector prior to the commencement of any construction, alteration, repair, moving, or demolition to be carried on within the district. No building permit for construction, alteration, repair, moving to demolition to be carried on within the district shall be issued by the Building Inspector until it is submitted to an receives approval in writing by the Historical Preservation Commission.

The Historical Preservation Commission may, however, prepare a listing of prior approvals permitted in the Historical District. (Ord. #1-71-129, June 1971, as amended by Ord. #3-8-88-4, May 1988, Ord. #4-8-97-2, Feb. 1997, Ord. #04-08-03-1, June 2003, and Ord. #05,13-03-1, July 2003)

**ARTICLE VIII. AREA, YARD, AND HEIGHT REQUIREMENTS**

District	Area in Square Feet	Per Additional Family	Lot Width in Feet at Building Line	Minimum Yard Requirements From Property Lines			Maximum Height of Structures
				Front	Side (Each Side)	Rear	
R-1	10,000	-----	80 ft.	30 ft.	15 ft.	30 ft.	35 ft.
R-2	8,000	4,000	70 ft.	30 ft.	10 ft. per story	25 ft.	35 ft.
R-3	6,500	For each additional efficiency apartment 1,500, one bedroom apt. 2,000, two bedroom apt. 2,500, three bedroom apt. 3,000	50 ft.	30 ft.	10 ft. per story	25 ft.	35 ft.
M-R	8,000	4,000	70 ft.	30 ft.	8 ft. per story	25 ft.	35 ft.
B-1	-----	-----	-----	30 ft.	10 ft.	25 ft.	35 ft.
B-2	-----	-----	-----	-----	-----	-----	70 ft.
B-3	-----	-----	-----	20 ft.	10 ft.	25 ft.	70 ft.
District	Area in Square Feet	Per Additional Family	Lot Width in Feet at Building Line	Minimum Yard Requirements From Property Lines			Maximum Height of Structures
				Front	Side (Each Side)	Rear	

B-4	-----	-----	-----	40 ft.	10 ft.	25 ft.	70 ft.
M-1	-----	-----	-----	40 ft.	20 ft.	25 ft.	70 ft.

(Ord. #1-71-129, June 1971, as amended by Ord. #04-08-03-1, June 2003)

ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

Section A. Lot of record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance, in accordance with Article XI. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the board of zoning appeals.

Section B. Adjoining and vacant lots of record. A plat of land consisting of one or more adjacent lots with continuous frontage in a single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subjected tot he requirements of this ordinance.

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

Section D. Group housing projects. In the case of a group housing project or two or more buildings to be constructed on a plot of ground of at least three (3) acres not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable apply the requirements of this ordinance to the individual building units in such housing projects, a special exception to the terms of this ordinance may be made by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district



in which the project is located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such a district.

Section E. Exception on height limits. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

Section F. Site plan regulations for commercial, multi-family residential, or public uses. In order to maintain the aesthetic characteristics of the community and protect the safety and welfare of its citizens, site plans shall be required for all new developments or redevelopments of commercial, multi-family, residential, public or semi-public uses. Prior to issuance of any building permit, a site plan will be submitted for review and approval by the planning commission. Site plans shall be submitted no less than 14 days in advance of the planning commission meeting.

A site plan shall contain:

1. General Provisions

- a. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawing shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.
- b. All site plans shall show:
  - i. Topography of existing and finished grades.
  - ii. Location of all land subject to flooding.
  - iii. Dimensions and calls of all property lines.
  - iv. North point, scale, acreage of site, and location map.
  - v. Location of all existing and proposed structures (including signs), street right-of way, sidewalks, easements, and covenants.

- vi. Dimensions of all existing and proposed structures.
- vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping, and open space, buffer strips, signs, off-street parking, and storm water drainage.

2. Open space and landscaping plan

To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:

- a. Landscaping shall mean the planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist at the site, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.
- b. All development shall meet the minimum yard requirements established in Article VIII, for the appropriate zone.
- c. The setback between a public street and parking areas shall be landscaped with berms and/or appropriate landscaping plants which shall be maintained in a healthy, growing condition through a permanent maintenance program.

3. Buffer strip

A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, shrubs, grass and in a manner as specified by the building inspector. Any decision or order of the building inspector may be appealed to the planning commission for review and final determination. Other material or method of screening than that outlined above may be approved by the planning commission.

4. Signs

Sign size and placement shall be governed by the provisions of Article VII.

5. Off-street parking

The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of Article VI, Sections B and C.

6. Waste disposal

All waste disposal facilities shall be screened by fencing, walls, or evergreen plant material in such a way that they are not visible from any public street or adjoining properties.

7. Stormwater drainage

A certified plan for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures, including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten year shall be calculated for pre-development and post-development. The amount of runoff shall not be increased, and shall be accommodated on site.

8. Expiration of approved site plans

Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

Section G. Site plan regulations for industrial uses. It is the intent of this section to require site plans for all new industrial uses as well as any non-industrial uses which are permitted in the industrial districts of the town and shall apply to the expansion or redevelopment of any existing uses within the town's industrial districts. The public health safety, and welfare of the citizens of Rogersville through a lessening of traffic congestion, the securing of adequate lighting and air, the preservation of aesthetic qualities, and the protection of properties. Prior to issuance of any building permit, a site plan will be submitted for review and approval by the planning commission. Site plans shall

be submitted to less than 14 days in advance of the planning commission meeting.

A site plan shall contain:

1. General provisions

- a. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawing shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.
- b. All site plans shall show:
  - i. Topography of existing and finished grades.
  - ii. Location of all land subject to flooding.
  - iii. Dimensions and calls of all property lines.
  - iv. North point, scale, acreage of site, and location map.
  - v. Location of all existing and proposed structures (including signs), street right-of way, sidewalks, easements, and covenants.
  - vi. Dimensions of all existing and proposed structures.
  - vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping, and open space, buffer strips, signs, off-street parking, and storm water drainage.

2. Open space and landscaping plan

To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:

- a. Landscaping shall mean the planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist at the

site, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.

- b. To minimize adverse visual and environmental impacts, no accessory buildings shall be permitted in areas established for open space.
- c. All development shall meet the minimum yard requirements established in Article VIII, except on sites adjoining residential districts, the following additional development standards shall apply:
  - i. The requirements for the yard (open space) area shall be one hundred (100) feet. Whenever highly combustible, flammable, or explosive materials or any other materials that have inherent characteristics that constitute a inherent hazard to life or property are to be used on such sites, the planning commission may require additional yard area. Development within required yard areas adjacent to residential districts shall be subject to the following requirements:
    - a. Off street parking areas shall be setback no less than fifty (50) feet from the district boundary.
    - b. At least the first fifty (50) feet of required yard shall be appropriately landscaped by use of berms and grass, trees, shrubs, or other appropriate plants.
    - c. No solid or liquid waste disposal areas shall be allowed in the required yard area, with the exception of solid waste dumpster facilities for nonindustrial solid waste products.
  - d. The setback space between the public street and parking areas shall be landscaped.
    - i. Where possible berming shall be installed to screen parked cars and where berms are not used screening shall be achieved through use of trees and shrubs.

- ii. All landscaping shall be maintained in healthy growing conditions through a permanent maintenance program.

3. Buffer strip

A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, shrubs, grass and in a manner as specified by the building inspector. Any decision or order of the building inspector may be appealed to the planning commission for review and final determination. Other material or method of screening than that outlined above may be approved by the planning commission.

4. Signs

Sign size and placement shall be governed by the provisions of Article VII.

5. Off-street parking

The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of Article VI, Sections B and C.

6. Waste Disposal

All waste disposal facilities shall be screened by fencing, walls, or evergreen plant material in such a way that they are not visible from any public street or adjoining properties.

7. Emissions

To provide for the protection of the environment and the citizens of Rogersville, a plan for emission control shall meet the following requirements:

- a. No use shall create noise, vibrations, dust odor, or fumes which are in any way harmful to endanger the health, safety, and general welfare of the public.

- b. Uses creating undue glare shall provide shielding so that glare cannot be seen off the site.
- c. In the event that emission control are questionable, the planning commission may require certification of the proposed controls by an environmental engineer or other appropriate expert.
- d. If the town determines a violation of these emission standards is occurring, it shall be authorized to take whatever action it deems appropriate to safeguard the health, safety, and general welfare of the public. The burden of proof that no such violation is occurring or has been abated shall rest solely with the industrial use involved.

8. Stormwater drainage

A certified plan for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures, including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten year shall be calculated for pre-development and post-development. The amount of runoff shall not be increased, and shall be accommodated on site.

9. Expiration of approved site plans

Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project. (Ord. #1-71-129, June 1971)

## ARTICLE X. ENFORCEMENT

Section A. Enforcing officer. The provisions of this ordinance shall be administered and enforced by the municipal building inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

Section B. Building permit required. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory building, until the building inspector has issued for such work a building permit including a statement that the plans, specifications and

intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector.

Section C. Issuance of building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, site, height, and location of all buildings to be erected, altered or moved, and of any and supply such other information as may be required by the building inspector for determining whether the provision 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, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with cause.

Section D. Certificate of occupancy. Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted, application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit. If such certificate is refused the building inspector shall state such refusal in writing, with the cause. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.

Section E. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

Section F. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or any other appropriate 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. (Ord. #1-71-129, June 1971)

## ARTICLE XI. BOARD OF ZONING APPEALS

Section A. Creation and Appointment. A board of zoning appeals is hereby established in accordance with Section 13-705, Tennessee Code



Annotated. The board of zoning appeals consist of five (5) members, who are legal residents of the Town of Rogersville, and shall be elected by the majority vote of the board of mayor and alderman. 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), four (4), five (5) years respectively. Vacancies shall be filled for any unexpired term by a majority vote of the board of mayor and aldermen.

Section B. Procedure. Meeting of the zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of 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; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

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

Section D. Powers. The board of zoning appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out of enforcement of any provision of this ordinance.
2. Special Exceptions. To hear and decide special exceptions to this ordinance as set forth in Article IX.

3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property, which do not generally apply to other property in the neighborhood.

Section E. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the Board shall be necessary to reverse any order requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance. (Ord. #1-71-129, June 1971)

## ARTICLE XII. HISTORIC PRESERVATION COMMISSION

Section A. Creation and appointment. In accordance with Tennessee Code Annotated § 13-7-401 a historic preservation commission is hereby established. The Rogersville Board of Mayor and Aldermen shall create a seven (7) member historic preservation commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the planning commission, at the time of the appointment; and the remaining members shall be appointed by the mayor, subject to confirmation by the board of mayor and aldermen appointments to membership on the historic preservation commission shall be arranged so that the term of one member shall expire and his successor shall be appointed in like manner in terms of five (5) years. The members of the commission shall elect a chairman from among themselves to preside over meetings.

Section B. Procedure. Meetings of the historic preservation commission shall be held at the call of the chairman or by the majority of the membership. All meetings of the commission shall be open to the public. The commission shall give notice of the place, date and time of any public hearing which they hold under the provisions of this ordinance, by publications in an official newspaper or a newspaper of general circulation at least three (3) days immediately prior thereto. At least four (4) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of three (3) members of the commission shall constitute final action of the commission of any matter before it. The commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.

Section C. Powers and Duties. The historic preservation commission shall have the following powers (which shall be limited to the H-1 Historic District):

1. To recommend the creation of local historic district which shall include the boundaries and written significance as to why the area should be protected. The historic preservation commission shall present the recommended district boundaries to the planning commission and to the board of mayor and aldermen for their approval.
2. The request detailed construction plans and related data pertinent to through review of any proposal before the commission.
3. To issue building permits pursuant to the provisions of Article XII Section G herein.
4. Upon review of the application for a building permit, the historic preservation commission shall give prime consideration to:
  - a. Historic and/or architectural value of present structure;
  - b. The relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
  - c. The general compatibility of exterior design, arrangement, texture, and materials proposed to be used;
  - d. To any other factor, including aesthetics, which is deemed pertinent.

## 5. Additional Powers and Duties.

- a. It shall be the duty of the historic preservation commission to make the following determination with the respect to the historic district:
  - (i) Appropriateness of altering or demolishing any building or structure within the historic district. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of ant permission to demolish a building or structure. Such photographs, drawings, etc., shall be at the expense of the applicant.
  - (ii) Appropriateness of the exterior architectural features include signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district.
  - (iii) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.
  - (iv) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks building or structure within the historic district.
  - (v) The general compatibility of the exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the historic preservation commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incompatible to the historic aspects of the surroundings.
  - (vi) The general compatibility of the application for the landmark site, preservation site, or historic district as stated in the appropriate design guidelines.

- (vii) The commission shall not cause undo economic hardship for the property of owners of a land mark site, preservation site, or historic district.
- b. The commission shall adopt and establish guidelines in conformity with and instructive of the provision of this section.
- c. Right of entry upon land. The application of any property owner for a certificate of appropriateness shall be deemed a grant of consent to the commission, its members and employees, and the building inspector, in the performance of their work, to enter upon any real property within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

Section D. Liability of historic preservation commission members. Any historic preservation commission member acting within the powers granted by this ordinance shall be indemnified by the town against any liability for damages of whatever nature arising directly from the lawful exercise of his or her official duties. Any suit brought against any member of the commission shall be defended by legal representative furnished by the town.

Section E. Jurisdiction. The historic preservation commission shall have exclusive jurisdiction relating to historic matter. Anyone who may be aggrieved by any final order or judgment of the commission may have said order or judgement reviewed by the courts of the procedures of statutory certiorari as proved for the Tennessee Code Annotated, §§ 27-9-102 and 27-9-103.

Section F. Conflicts of interest. Any member of the historic preservation commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the historic preservation commission in connection therewith.

Section G. Administration and procedure.

1. No construction ,major alteration or rehabilitation, moving, or demolition is to be carried on within the H-1 District until it is submitted to and receives approval in writing by the historic preservation commission.
2. All alterations, additions or new construction within the H-1 District shall require approval before work on such alterations,

additions, or new construction can begin. In addition it shall be required that application be made through the historic preservation commission and the building inspector for any work, including, but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

3. Application procedures:
  - a. Applications for a certificate of appropriateness within the H-1 District shall be made to the historic preservation commission. The historic preservation commission shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.
  - b. Upon receiving an application the historic preservation commission shall, within thirty (30) days following the availability of sufficient data, issue to the applicant a letter stating its approval with or without attached conditions or disapproval with the ground for disapproval stated in writing.

Section H. Injunctive powers and penalties:

1. Where it appears that the owner or person in charge of a landmark site or preservation site threatens or is about to so or is doing any work in violation of this ordinance, the city attorney for the Town of Rogersville shall, when directed by the mayor or board of aldermen, forthwith apply to an appropriate court for an injunction against such violation of this ordinance. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the city attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.
2. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law. (Ord. # 1-71-129, as amended by Ord. #05-13-03-1, July 2003)

ARTICLE XIII. AMENDMENT

Section A. Procedure. The board of mayor and aldermen may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any

member of the town board may introduce such amendment, or any official, board or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to this ordinance.

1. Application and fee. Citizens wishing to have the ordinance amended shall file an application according to the regulations of the planning commission. To partially defray the administrative cost and cost of giving public notice, the applicant shall pay a filing fee to the Town of Rogersville of ten (\$10.00) dollars.
2. Notice to property owners. The person requesting the rezoning must submit to the planning commission letters addressed to each owner and resident within two hundred (200) feet of the property in question containing information adequate to notify such owners and residents of the intention to rezone the area for which the application is submitted and when and where a public hearing will be held before the planning commission. Such letters should be placed in unsealed, stamped and addressed envelopes ready for mailing by the planning commission. The return address of the planning commission must appear on the envelope, and a list of all persons to whom letters are sent must accompany the applications.

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

Section C. Introduction of amendment. Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Rogersville, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

#### ARTICLE XIV. MOBILE HOME PARKS

Section A. Purpose. The regulations as herein set forth have been made in accordance with a comprehensive planning program for the purpose of promoting the health, safety, morals and general welfare of the community. The regulations have been designed to lessen congestion, secure safety from fire, panic and other danger, provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate adequate provision for public facilities such as transportation, water sewage, parks, schools and other public requirements.

It shall be unlawful for any persons, firm, or corporation to construct, alter, or extend a mobile home park unless it is a permitted use within the zoning district and a valid permit is issued by the building inspector or in the name of such person, firm or corporation for the specific construction, alteration, or extension proposed.

#### Section B. Definitions.

1. Mobile home. A detached single-family unit with all of the following characteristics:
  - (a) Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
  - (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
  - (c) Arriving at the site where it is to be occupied as a dwelling unit complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities, and the like.
2. Mobile home park. A contiguous parcel of land which has been planned and improved upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.
3. Buffer strip. A plant material or other material as may be required by the Rogersville Regional Planning Commission which shall provide an immediate screen of not less than five (5) feet with the use of plant materials not less than six (6) feet with the use of other materials.



4. Health officer. The health officer of Rogersville, Tennessee or his authorized representative.
5. Building inspector. The building inspector of Rogersville, Tennessee or his authorized representative.
6. Plumbing inspector. The plumbing inspector of Rogersville, Tennessee or his authorized representative.
7. Electrical inspector. The electrical inspector of Rogersville, Tennessee or his authorized representative.
8. Lot area. The total area reserved for exclusive use of the occupants of a mobile home.
9. Lot line. A line bounding the lot, as shown on the accepted plot plan.
10. Permit. A written document issued by the enforcing agent permitting the construction, alteration or expansion of a mobile home park.
11. Accessory structure. Any structural addition to the mobile home park which includes awning, cabanas, carports, Florida room, porches, storage cabinets and similar structures.
12. Permanent buildings. A building, except a mobile home, or accessory structure.
13. Private drive. A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.
14. Public street. A public way which affords with the principal means of access to abutting properties.
15. Shall. Indicates that which is required.

Section C. Procedures for park approval. The owner or lessee of the land parcel proposed to be used as a mobile home park shall consult early and informally with the Rogersville Planning Commission and its technical staff for advise and assistance prior to the preparation of the park plan and its formal application for approval. This procedure will enable the owner or lessee to

become thoroughly familiar with park regulations, other zoning regulations, and comprehensive plan elements which might affect the area.

1. Submitting of plan. At least ten (10) working days prior to the planning commission meeting at which the park is to be considered for approval, the developer shall submit two copies of the proposed park to the commission's technical staff.
2. The general plan. The plan shall meet the minimum design standards as set forth in Article IV and shall give the following information:
  - (a) Name and location of the park.
  - (b) Name(s) and address(es) of the developer or developers and the name of the designer of the park who shall be a surveyor or engineer approved by the planning commission.
  - (c) Shall be drawn to a scale showing dimensions of the park with a data, approximate north point, graphic scale, and acreage of land to be developed.
  - (d) Shall denote the location of property lines, existing and planned streets, drives and walkways, buildings, water courses, culverts, drain pipes, public utility easements, and water mains.
  - (e) A plan for storm water drainage.
  - (f) A plan of proposed utilities – water, sanitary sewer, gas and electricity.
  - (g) A plan for recreation and open space.
  - (h) A plan for refuse disposal.
  - (i) A lighting plan.
  - (j) A certificate of accuracy signed by the surveyor or engineer.
  - (k) Certificates of appropriate approval with signatures of the health officer, building, plumbing and electrical inspectors.
  - (l) A certificate for planning commission approval.
  - (m) Any other pertinent information as may be required by the planning commission.

Section D. Minimum design standards

1. General
  - (a) A mobile home park shall be located only within the R-3 high density residential districts.
  - (b) The condition of the soil, drainage and topography shall not create hazards.
  - (c) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.

2. Recreational and open space. Common areas for recreational and leisure time pursuits shall be provided in a centralized location.
  - (a) The amount of open space area shall be a minimum of 500 square feet per mobile home lot.
  - (b) Large parks may, at the discretion of the planning commission, decentralize open space areas in order to adequately service all residents.
  - (c) The planning commission may require buffer strips along the boundary lines of the park.
  - (d) Any part of the park area that is not utilized for buildings or other structures, parking or access ways shall be landscaped with grass, trees, shrubs and other similar landscaping materials.
3. Density
  - (a) The mobile home park shall not contain more than ten (10) mobile home spaces per gross acre, provided however, all other standards are met.
  - (b) Each mobile home space shall have minimum depth of seventy-five (75) feet.
  - (c) Each mobile home space shall abut a driveway with unobstructed access to an open, approved public street.
  - (d) Each mobile home shall be set back a minimum of twenty-five (25) feet from all property lines and street right-of-way.
  - (e) There shall be a minimum distance of twenty (20) feet between mobile homes.
  - (f) There shall be a minimum distance of ten (10) feet between a mobile home and the abutting park drive.
4. Streets, drives, walkways and parking
  - (a) All mobile home parks shall be provided with safe and convenient access from abutting public streets to each mobile home space.
  - (b) All drives, walkways and parking areas shall have a minimum of a double bituminous surface with an adequate base.
  - (c) Pavement widths shall be twenty-four (24) feet for entrance drives and collector drives and twenty (20) feet for minor drives.
  - (d) Each mobile home park shall provide 1.5 parking spaces for each mobile home space.
  - (e) Parking spaces shall be located for convenient access to mobile home units.

- (f) Where practicable, a minimum of one parking space shall be located on each mobile home lot with the remainder located in adjacent parking bays.

5. Service buildings

- (a) Service buildings shall be of permanent construction and meet all codes and ordinances.
- (b) Service buildings shall be convenient to the mobile home spaces which they solely serve.
- (c) The service buildings shall be maintained in a clean and sanitary condition.

6. Utilities

- (a) The mobile home park water distribution system shall be connected to the public water supply system.
- (b) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with the state and local regulations and requirements and shall be of a type and location approved by the Tennessee Department of Public Health.
- (c) Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park.
- (d) An adequate and safe sewerage system shall be required for conveying and disposing of all sewerage. Wherever feasible, connection shall be made to the public sewerage system.
- (e) The sewerage system shall be designed and constructed in accordance to the state and local laws and approved by the Tennessee Department of Health.
- (f) Each mobile home space shall be provided with a four inch diameter sewer riser pipe.
  - (1) All materials used for sewer connections shall be semi-rigid, corrosive resistance, non-absorbent, and durable with a smooth inner surface.
  - (2) Provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the space.
- (g) Where the sewer lines of the mobile home park are not connected with the public sewage system, the county health department shall approve all proposed sewage.
- (h) Solid waste collection stands shall be provided for all containers.
- (i) At electrical installations shall be designed and constructed in accordance with the electrical code of the Town of Rogersville as approved by the Holston Electric Cooperative.

- (j) All gas equipment and installations within the park shall meet the minimum requirements of the gas code of the Town of Rogersville.
7. Guarantee in lieu of completed improvements
- (a) No mobile home park plan shall be approved by the planning commission until all required improvements are constructed in a satisfactory manner; however, in lieu of completed construction of all improvements the planning commissions may recommend that a bond in an amount equal to the estimated cost of installation of required improvements be submitted.
  - (b) If a bond is submitted it must first be approved by the board of mayor and aldermen.
  - (c) The bond shall be due within six (6) months from submission.
  - (d) The board of mayor and aldermen may instruct the building inspector to issue a six (6) month temporary park operating permit when sufficient improvements are installed to allow safe and adequate facilities to mobile home park residents.

Section E. Permits and park operation

1. Permits
- (a) All mobile home park operators shall be required to obtain an annual operating permit. The issuance of the operating permit shall be contingent upon inspection and approval of the park by the health officer or his authorized representative and the building inspector.
  - (b) It shall be unlawful for any person to maintain or operate a mobile home park within the corporate limit of Rogersville unless he owns a valid permit issued by the building inspector.
  - (c) Building, plumbing, electrical or other such construction permits shall not be issued for the installation of a mobile home park prior to the submission of the park plan and its tentative approval by the Rogersville Planning Commission.
  - (d) Following the approval of a mobile home park plan by the planning commission, the installation of improvements to the satisfaction of the planning commission and a bond guaranteeing the completion of all improvements within a period of six (6) months the board of mayor and aldermen may direct the building inspector to issue a temporary six (6) month park operating permit. The temporary park permit shall not be extended beyond the six month period.

- (e) The annual operating permit fee shall be one dollar for each mobile home space to a maximum of seventy-five (\$75.00) dollars.
2. Park operation
- (a) The park management shall maintain a registrar containing names, addresses and automobile license numbers of all park residents. Such register shall be made available to any authorized person inspecting the mobile home park.
  - (b) The park management shall notify park residents of all applicable provisions of this ordinance and inform them of their duties and responsibilities under the ordinance. (Ord. #1-71-129, June 1971)

#### ARTICLE XV. LEGAL STATUS PROVISIONS

Section A. Conflict with other ordinances. In cases of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Rogersville, the most restrictive shall in all cases apply.

Section B. Validity. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #1-71-129, June 1971)

#### ARTICLE XVI WIRELESS TRANSMISSION FACILITIES

Section A. Purpose. The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this ordinance are to:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Encourage the locations of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the community;
- (4) Strongly encourage the joint use of new and existing tower sites as primary option rather than construction of additional single-use towers;
- (5) Encourage user of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (6) Encourage uses of towers and antennas to configure them in a way that minimizes the adverse visual impact of towers and antennas through

careful design, siting, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;

(8) Consider the public health and safety of communication towers; and

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Rogersville Regional Planning Commission shall give due consideration to the Town of Rogersville's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving for the location of towers and antennas.

#### Section B. Definitions.

3. Town. Means the Town of Rogersville, Tennessee.
4. Planning commission. Means the Rogersville Planning Commission.
5. BOZA. Means the Rogersville Board of Zoning Appeals.
4. Mature system. Shall mean an existing wireless transmission facility.
5. Tower. Shall mean the base of any wireless transmission facility; including but not limited to, a self-supporting tower and/or monopole, together with any antennae or other appurtenances.
6. User. Shall mean any telecommunications carrier utilizing wireless transmission facilities for the purpose of production or transmission.
7. Wireless transmission facilities. Shall include buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission, and radio transmission, or wireless transmission, accomplished by linking a wireless network of radio wave transmitting devices (including, but not limited to wire, cable, fiber optics, laser, microwave, radio, satellite, portable phones, pagers, mobile phones, or similar facilities) to the conventional ground-wires communications system (including, but not limited to telephone

lines, video and/or microwave transmission) through a series of short range, contiguous cells that are part of an evolving cell grid.

Section C. Procedures for approval. The construction and maintenance of wireless transmission facilities is proved for in this ordinance through a procedure which requires approval by the Rogersville Regional Planning Commission. Wireless Transmission Facilities are permitted as of right, subject to site plan review by the Planning Commission, within the R-3 high density residential district, B-3 intermediate business district, B-4 arterial business district, and M-1 industrial district. These uses shall be subject to such additional conditions the planning commission may require in order to preserve and protect the character for the district in which the use is proposed. Wireless telecommunications facilities are not permitted in the H-1 historical district, nor any other district not included in this ordinance.

1. Site plan required. The owner or authorized agent of any property proposed for the location of a wireless transmission facility within the city limits of Rogersville, Tennessee shall prepare and submit a site plan meeting the requirements of this ordinance as follows:
2. Information showing the relationship of the proposed development to:
  - (a) The existing street system.
  - (b) Existing zoning districts within a 500' radius.
  - (c) The names and addresses of all property owners within a 500' radius.
3. The distance to and the location of the nearest adjacent wireless transmission facility.
4. A location map indicating the proposed facility and all surrounding wireless transmission facilities within a radial distance of 2500 feet.
5. The site plan approved by the planning commission shall be valid for a period not to exceed one year. If construction of the wireless transmission facility is not 80% complete within one year and completed within 18 months of the planning commission approval, the applicant shall be required to resubmit plans for appropriate review under the technical standards and review procedures applicable at the time of resubmission.



Section D. General provisions co-location design requirements. In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-locations of cellular telecommunication antennas according to the following:

1. For towers up to 150 feet in height, the structure and fenced compound shall be designed to accommodate at least two providers, and
2. For towers greater than 150 feet in height but less than 195 feet, the structure and fenced compound shall be designed to accommodate at least three providers.

Section E. Co-location: Availability of suitable existing structures. No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the planning commission that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

1. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
2. That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
3. That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
4. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicants's proposed antenna.
5. That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6. That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structure unsuitable.

Section F. Administrative approvals for co-location and alternative towers.

1. The Town of Rogersville Building Inspector may administratively approve the placement of additional antenna(s) upon towers or alternative tower structures.
2. The applicant requesting an administrative approval under this ordinance shall submit a scaled site plan, scaled elevation view and supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the locaiton and dimensions of all improvements, including topography (utilizing minimum two (2) foot contour intervals), tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses, and any other information deemed by the building inspector to be necessary to assess compliance with this ordinance and compatibility with surrounding uses.
3. Installation of an antenna on any alternative tower structure, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as such addition does not add more than twenty (20) feet to the height of the existing structure and not exceeding 195 feet for the total structure height.
4. Installation of an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower and does not exceed 195 for the total structure height.

Section G. Technical standards.

1. No wireless transmission facility shall be located closer than 2500 feet of any existing wireless transmission facility except in the

instance of co-location or if proposed adjacent to a mature wireless facility (within 100 feet).

2. Towers located in the R-3 high density residential district shall be located on a single lot with a minimum frontage on a public street of 40 feet. The minimum distance from the base of a tower to any adjacent property or street right-of-way shall be equivalent to or greater than the height of the tower plus 25 feet. Except for wireless transmission facilities necessary for the proposed tower, no buildings or structures shall be located within this required "clear fall zone." All other applicable provision of the Rogersville zoning ordinance shall apply.
3. Towers located in any B-3, B-4, and M-1 zoning districts which shall be located on a lot which adjoins a residential district shall be located from any such residential district a distance equivalent to or greater than the height of the tower plus 25 feet.
4. Towers located in any B-3, B-4, and M-1, district which shall be located on a lot which does not adjoin a residential district shall be located in such a manner as set forth above unless the proposed tower is certified by a licensed structural engineer to be designed to collapse inward into itself in the event of structural failure. In such an instance the setbacks from property lines will become the outer boundary of the identified clearfall zone. In all cases, the standard setbacks established for each zone by the Rogersville zoning ordinance must be met.
5. National standards. The applicants engineer shall provide documentation that the proposed wireless transmission facility meets or exceeds the standards of the American National Standards Institute (ANSI) for professionally acceptable radio frequency emissions standards.
6. Tower height and altitude restrictions. Maximum tower height shall be 195 feet. No wireless transmission facility shall extend more than 150 feet above the ridgeline or treeline of the surrounding knob areas.
7. Structural requirements. Prior to the approval of any tower in excess of thirty-five (35) feet in height, the applicant shall provide the planning commission with written certification from a registered structural engineer that the tower is able to minimally withstand winds of 70 miles per hour with ½ inch radial ice as per

the ANSI Standards and/or 100 miles per hour and/or 130 MPH windgusts, whichever is greater. For towers placed on buildings, the applicant shall also provide the planning commission such written certification plus evidence that the building itself is structurally capable of supporting the tower and its' accompanying equipment. The tower must not affect the structural integrity of the building.

8. Shared use co-location sites. The shared use of existing towers or the placement of towers less than thirty-five (35) feet in height at locations adjacent to a mature wireless facility, or wireless transmission facilities incorporated within existing power transmission line towers, shall be encouraged whenever possible.
  - (a) The applicant shall also address the extent to which shared use of the proposed tower will be allowed in the future. A letter of intent committing the tower owner and his or her successors to allow shared use of the tower, if an applicant agrees in writing to pay any reasonable charge for shared use, shall be filed in the office of the recorder of the Town of Rogersville, Tennessee to any building permit being issued.
  - (b) The applicant's plans must demonstrate how shared facilities would potentially be situated on proposed sites. Towers and/or structures shall be required to be designed for multi-tenants on the initial installation, i.e. designed for two (2) sets of a fully sectored antenna arrays.
    1. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.

#### Section H. Development standards

- (a) A minimum 50 foot buffer strip shall be required on the outer perimeter of the property, abutting property currently zoned for residential, office, or commercial use or development. No internal roads or driveways, parking areas, structures or storage of material shall be allowed within the buffer strip.

- (b) The buffer strip shall consist of plantings and physical features sufficient to screen the view beginning at a specified level, reduce glare and noise, and provide greater privacy for nearby residential uses. The buffer shall be initially installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property from ground level substance, design, width, height, opacity, growing period to maturity, time schedule for installation and responsibility for perpetual maintenance of the buffer strip shall be submitted to and approved by the planning commission.
  - (c) The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that, in the opinion of the planning commission, meet the intent and purpose of this section. In instances where significant physical features exist (i.e. railroads, major roads, hillsides, preserved wooded areas, and utility easements, etc.) Which in the opinion of the planning commission provide adequate buffering between land uses, the existing buffers may be used to meet landscaping provisions of this section.
- 2. Off-street parking. Off-street parking space shall be provided for each wireless transmission facility.
- 3. Lighting. Outside lighting, if required for safety and security purposes shall be arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The planning commission may require the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting as designed and installed does not exceed 0.4 foot candles measured at the property line of abutting property zoned for residential use or development. Wireless transmission facilities shall not be artificially lighted unless required by the Federal Aviation Administration or other governmental authority.
- 4. Signs. Signs identifying the wireless transmission facility may be allowed providing such signs:
  - (a) Do not exceed 10 square feet.
  - (b) Are not illuminated.
  - (c) Comply with all other requirements of the Town of Rogersville Zoning Regulations.

5. Vehicle access control. The location and design of driveways and/or accesses to reach the facility from a public street shall be approved by the Rogersville Regional Planning Commission.
6. Erosion control and stormwater management. The control of erosion during development and the design of drainage systems suitable to handle stormwater runoff after the site is developed shall be approved by the Rogersville Regional Planning Commission upon recommendation of the town engineer.
7. Noise. The intensity level of sound from the wireless transmission facility including temporary generators used during extended power outages, measured at the property line of abutting property zoned for residential use of development, shall not at any time exceed 70 decibels.
8. The Rogersville Regional Planning Commission shall have the authority to require additional landscaping, buffering, screening, parking or other physical features when it is determined as necessary to insure the compatibility of the proposed use with existing and future surrounding land uses, or in order to protect the health, safety, and welfare of the residents of Rogersville, Tennessee.
9. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.
10. Security fencing/anti-climbing devices. All towers and supporting equipment shall be enclosed by fencing not less than ten (10) feet in height and shall be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative. Amateur radio towers and antennas shall not be subject to the provisions of this section unless required by the Rogersville Regional Planning Commission.
11. Aesthetics. The guidelines set forth in this section shall govern the design and construction of all towers, and the installation of antennas, governed by this ordinance.
  1. At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.

2. Towers shall not be artificially lighted, unless required by the FAA or applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
  3. No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within the Town of Rogersville.
  4. Change of ownership. Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permit holder shall notify the building inspector of the transaction in writing within 30 days.
12. Buildings or other equipment storage. The equipment cabinet, accessory structure, or enclosure shall not contain more than two hundred (200) square feet of gross floor area or be more than 12 feet in height for each carrier using the site.

#### Section I. Inspections.

1. The user shall provide the Rogersville Regional Planning Commission with a letter of certification from the design engineers (electrical, structural, civil) indicating that the wireless transmission facility was constructed according to the plans approved by the Rogersville Regional Planning Commission. The letter shall be submitted within 30 days of completion of the facility.
2. The user shall provide the Rogersville Regional Planning Commission with a copy of the Town of Rogersville, Tennessee Electrical Inspector Report, which ensures that the user met code requirements during construction of the facility.
3. The user shall provide the Rogersville Regional Planning Commission with a certified copy of the engineer's annual inspection report, which includes, but is not limited to the condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of the bolts, and a plan to correct any deficiencies.

Section J. Required demolition. Any approved wireless transmission facility not utilized as an active wireless transmission for a period exceeding twelve months shall be considered abandoned, and the owner of such antenna or tower shall remove the structure within ninety (90) days of receipt or notice. If said tower or antenna is not removed within said ninety (90) days, the governing authority may require removal of said structure.

Section K. Surety bond. The applicant shall post a surety bond for the amount of the wireless transmission facility demolition, after all approvals from the required governing boards and prior to the required building permit.

Section L. Public facilities. Wireless transmission facilities used exclusively for use by the Town of Rogersville, Tennessee of the State of Tennessee, or the United States of America may exceed the height limitations of this ordinance with documented need. (Ord. #04-9-02-1, June 2002)



## APPENDIX A

## MUNICIPAL FLOODPLAIN ZONING ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVESSection A. Statutory authorization

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

Section B. Findings of fact

1. The Rogersville Mayor and Commission wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(b) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 edition) and subsequent amendments.
2. Areas of Rogersville are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of purpose

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

Section D. Objectives

The objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
7. To ensure that potential buyers are notified that property is in a floodable area; and
8. To establish eligibility for participation in the National Flood Insurance Program.

## ARTICLE 2. DEFINITIONS

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

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

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

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 43 U.S.C. 4001-4128.

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

"Appeal" means a request for a review of the building official's interpretation of any provision of this ordinance or a request for a variance.

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

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

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

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

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

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

"Building," for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

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

"Elevated building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

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

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

"Existing construction" any structure for which the "start of construction" commenced before the effective date of this ordinance.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

"Existing structures" see "existing construction"

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

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

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

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

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

"Flood hazard boundary map (FHBM)" means an official map of a community on which the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the

areas of special flood hazard and the risk premium zones applicable to the community.

"Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood boundary map and the water surface elevation of the base flood.

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

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

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

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

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

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

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion

damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

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

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

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

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

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

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior, or
- b. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

"New construction" any structure for which the "start of construction" commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.



"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is compiled on or after the effective date of this ordinance.

"100-year flood" see "base flood."

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

"Recreational vehicle" means a vehicle which is:

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

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

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

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

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

does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

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

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

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

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

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

ARTICLE 3.           GENERAL PROVISIONS

Section A.   Application

This chapter shall apply to all areas within the incorporated area of Rogersville, Tennessee.

Section B.   Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified on the Rogersville, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470086 0004C; Effective Date: July 19, 1993 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this ordinance. These areas shall be incorporated into the Rogersville, Tennessee Zoning Map.

Section C.   Requirement for development permit

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

Section D.   Compliance

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

Section E.   Abrogation and greater restrictions

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

Section F.   Interpretation

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

Section G. Warning and disclaimer of liability

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

Section H. Penalties for violation

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

## ARTICLE 4. ADMINISTRATION

### Section A. Designation of building inspector

The building inspector is hereby appointed to administer and implement the provisions of this ordinance.

### Section B. Permit procedures

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

#### 1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.\*
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation is available.\*
- c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4. Section B.2, where base flood elevation data is available.\*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

\*(see 2. below)

#### 2. Construction stage

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

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

### Section C. Duties and responsibilities of the building inspector

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

1. Review of all development permits to assure that the requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including

basement) of all new or substantially improved buildings, in accordance with Article 4. Section B.2.

5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4. Section B.2.
6. When flood-proofing is utilized, the building inspector shall obtain certification from a registered professional engineer or architect in accordance with Article 4. Section B.2.
7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this chapter.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the building official shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article 2 of this ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Article 4. Section B.

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



10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

ARTICLE 5.           PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A.   General standards

In all flood prone areas the following provisions are required:

1.     New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2.     Manufactured homes shall be elevated and anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3.     New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4.     New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5.     Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6.     New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7.     New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8.     On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9.     Any alteration, repair, reconstruction, or improvements to a building which is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this chapter; and,
10.    Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not extended.

## Section B. Specific standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Article 3. Section B, the following provisions are required:

1. Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5. Section B.3.
2. Non-residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official as set forth in Article 4. Section B.2.
3. Elevated building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

- i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - ii. The bottom of all openings shall be no higher than one foot above grade; and
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage or maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
  - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article 5. Section B. of this chapter.
4. Standards for manufactured homes and recreational vehicles
  - a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all requirements of new construction, including elevation and anchoring.
  - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
    - i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
    - ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

- iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home place or substantially improved must meet the standards of Article 5. Section B.4.b.i. and ii, above.
- c. All recreational vehicles placed on sites must either:
- i. Be on the site for fewer than 180 consecutive days;
  - ii. Be fully licensed and ready for highway use; or
  - iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5, Section B.4.a. or b. i. and ii. above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Article 4, Section C.8. shall be utilized for all requirements relative to the base flood elevation or floodways.

Section C. Standards for areas of special flood hazard zones A1-30 and AE with established base flood elevation but without floodways designated

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

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

2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

Section D. Standards for areas of shallow flooding (AO and AH zones)

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

1. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of nonresidential buildings shall:
  - a. Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
  - b. Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Section E. Standards for areas protected by flood protection system (A-99 zones)

Located within the areas of special flood hazard established in Article 3. Section B. are areas of the 100-year flood protected by a flood protection system which

is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 zones) the following provisions apply:

1. All provisions of Article 4. And Article 5. Section A. and G. shall apply.

Section F. Standards for areas of special flood hazard with established base flood elevation and with floodways designated

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist with base flood data and floodways provided, the following provisions shall apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. If Article 5. Section F.1. above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

Section G. Standards for unmapped streams

Located within Rogersville, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.

2. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 4. Section B.2.

Section C. Standards for subdivision proposals

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

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

Article 6. VARIANCE PROCEDURES. The provisions of this section shall apply exclusively to areas of special flood hazard.

Section A. Board of zoning appeals

1. The Rogersville board of zoning appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:



- a. The danger that materials may be swept onto other property to the injury of others;
  - b. The danger to life and property due to flooding or erosion;
  - c. The susceptibility of the proposed facility and its contents to flood damage;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this ordinance, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.
  5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

#### Section B. Conditions for variances

1. Variances shall be issued upon a determination that the variances is the minimum relief necessary, considering the flood hazard; and in the

instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The building inspector shall maintain the records of all appeal actions and report any variances to the federal emergency management agency upon request.