

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. ZONING ORDINANCE.
2. BOARD OF ZONING APPEALS.
3. PLANNING COMMISSION.
4. FILMING REGULATIONS.
5. SIGN REGULATIONS.
6. FLOODPLAIN PROVISIONS.
7. WIRELESS TOWERS AND ANTENNAS.
8. SHORT-TERM RENTALS.
9. TREE MANAGEMENT AND PROTECTION.

CHAPTER 1

ZONING ORDINANCE¹

SECTION

- 14-101. Title and map.
- 14-102. Purpose.
- 14-103. Statement of policy.
- 14-104. Applicability.
- 14-105. Policy and purpose.
- 14-106. Interpretation.
- 14-107. Relationship to other laws and private restrictions.
- 14-108. Ordinance provisions do not constitute permit.
- 14-109. Provisions are cumulative.
- 14-110. Application of regulation.
- 14-111. Exceptions, variances and conditional uses.
- 14-112. Rules for construction of language.
- 14-113. Definitions.
- 14-114. Establishment of districts.
- 14-115. Incorporation of maps.
- 14-116. Identification of official zoning map.
- 14-117. Replacement of official zoning map.
- 14-118. Rules for interpretation of district boundaries.
- 14-119. General district regulations.
- 14-120. Use and structure provisions.

¹Original formatting has been retained for updating simplicity.

- 14-121. Bulk, yard, and density regulations.
- 14-122. Visibility at intersections.
- 14-123. Fences, walls, and hedges.
- 14-124. Exception to height regulations.
- 14-125. Rear yard abutting a public street.
- 14-126. Access to lots; private roads.
- 14-127. Minimum lot area.
- 14-128. Corner lots.
- 14-129. Reduction in lot area prohibited.
- 14-130. Permissible structures and setback encroachments.
- 14-131. Limitations on farming.
- 14-132. Accessory uses and structures.
- 14-133. Requirements for private swimming pools.
- 14-134. Requirements for home occupations.
- 14-135. Off-street parking requirements.
- 14-136. Development standards for parking lots.
- 14-137. Illicit discharges.
- 14-138. Regulations for steep slope areas.
- 14-139. Radnor Lake Natural Area Impact Zone.
- 14-140. Opening or extension of streets.
- 14-141. Lighting—dark sky regulations.
- 14-142. Purpose; classifications.
- 14-143. Nonconforming uses.
- 14-144. Nonconforming structures.
- 14-145. Nonconforming lots.
- 14-146. Expansion, alteration, or major repair.
- 14-147. Minor repairs and normal maintenance.
- 14-148. Chief enforcing officer.
- 14-149. Duties of city manager.
- 14-150. Powers of city manager regarding issuance of permits.
- 14-151. Building permits required.
- 14-152. Required plans for building permits.
- 14-153. Use and occupancy permit required.
- 14-154. Application for use and occupancy permit.
- 14-155. Issuance of use and occupancy permit.
- 14-156. Records of use and occupancy permits.
- 14-157. Final inspection.
- 14-158. Remedies and enforcement.
- 14-159. Deleted.

14-101. Title and map. This chapter shall be known and may be cited as "The Zoning Ordinance of Oak Hill, Tennessee," and the map herein referred to, which is identified by the title, "Official Zoning Map, Oak Hill, Tennessee," and all explanatory matters thereon are hereby adopted and made a part of this chapter. The official zoning map shall be located in the city hall and shall be

identified by the signature of the mayor attested by the city recorder. The official zoning map may be amended; provided, however, that, no amendment of the official zoning map shall become effective until after such change and entry has been made on such map and signed by the mayor and attested by the city recorder. (Ord. #12-16, Jan. 2013)

14-102. Purpose. The zoning regulations and districts as set forth in this chapter have been made in accordance with a zoning plan for the purpose of promoting the health, safety, morals and general welfare of the community. The regulations are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. This chapter has been prepared with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. #12-16, Jan. 2013)

14-103. Statement of policy. The following policies related to the long-range development of the city are adopted as guides for the direction of this ordinance:

- (a) The City of Oak Hill shall be a residential community;
- (b) Development within the city should occur at low to very low densities in order to preserve an open character, protect tree cover, and protect the natural scenic beauty of the city;
- (c) Steep areas with slopes in excess of fifteen percent (15%) should be protected by prohibiting the removal of native vegetation and carefully locating houses and streets;
- (d) Flood-prone areas should be left as open space in order to reduce damages to property and threats to life; and
- (e) The area surrounding the Radnor Lake State Natural Area should be given special protection due to the unique character of the natural area and the potential of land development having an adverse impact on the area. (Ord. #12-16, Jan. 2013)

14-104. Applicability. 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 or by necessary implication permitted or authorized by this ordinance. (Ord. #12-16, Jan. 2013)

POLICY, PURPOSE AND LEGAL STATUS PROVISIONS

Policy and Purpose

14-105. Policy and purpose. This ordinance is enacted pursuant to Title 13 of the Tennessee Code Annotated for the following purposes:

(a) To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;

(b) To divide the city into districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land;

(c) To protect the character and maintain the stability of residential areas within the city, and to promote the orderly and beneficial development of such areas;

(d) To provide adequate light, air, privacy, and convenience of access to property;

(e) To regulate the intensity of open spaces surrounding buildings that is necessary to provide adequate light and air and protect the public health;

(f) To establish building lines and the location of buildings within such lines;

(g) To fix reasonable standards to which buildings or structures shall conform;

(h) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;

(i) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;

(j) To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles;

(k) To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;

(l) To conserve the taxable value of land and buildings throughout the city;

(m) To provide for the gradual elimination of those uses of land, buildings and structures and of these buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;

(n) To provide for condemnation of such nonconforming buildings and structures and of land as the board of commissioners shall determine is necessary or appropriate for the rehabilitation or the area blighted by such buildings or structures;

- (o) To provide protection for the views and natural integrity of the Radnor Lake State Natural Area;
- (p) To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- (q) These general purposes include the specific purposes stated in the various chapters throughout this ordinance. (Ord. # #12-16, Jan. 2013)

Legal Status Provisions

14-106. Interpretation. In the interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare. (Ord. #12-16, Jan. 2013)

14-107. Relationship to other laws and private restrictions.

(a) Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, or ordinance of any kind, the provisions which are more restrictive shall apply.

(b) This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance to the extent that they are more restrictive shall govern. (Ord. #12-16, Jan. 2013)

14-108. Ordinance provisions do not constitute permit. Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to use any property or locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity. (Ord. #12-16, Jan. 2013)

14-109. Provisions are cumulative. The provisions of this ordinance are cumulative with any additional limitations imposed by all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter appearing in this ordinance. (Ord. #12-16, Jan. 2013)

14-110. Application of regulation. No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the city except as specifically or by necessary implication authorized by this ordinance. Conditional uses are allowed only on permit granted by the board of zoning appeals upon finding that the specified conditions exist. (Ord. #12-16, Jan. 2013)

14-111. Exceptions, variances and conditional uses. Whenever the zoning ordinance in effect at the time of adoption of this ordinance has authorized any use which is not permitted as of right by issuing a variance, exception, or permit to locate in a district, such authorization may be continued, changed, extended, enlarged, or structurally altered only as set forth in the regulations governing nonconforming uses, buildings or structures and lots.

(a) Renewals. Where no limitation of the use was imposed at the time of authorization such use may be continued. Where such use was authorized subject to a term of years, such use may be continued until the expiration of the term, and thereafter the board of appeals which originally authorized such use may, in appropriate cases, extend the period of continuance for one (1) or more terms of not more than five (5) years each. The board of appeals may prescribe appropriate conditions and safeguards to minimize adverse effects of such use on the character of the neighborhood.

(b) Change of use. In no event shall such use be changed, and no agency shall be empowered to permit such use to be changed, except to a conforming use or nonconforming use as provided for in the regulations governing nonconforming uses, buildings or structures and lots. However, a change in occupancy or ownership shall not, by itself, constitute a change in use. (Ord. #12-16, Jan. 2013)

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Construction of Language

14-112. Rules for construction of language. In the construction of this ordinance, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise:

(a) The particular shall control the general.
 (b) The word "shall" is always mandatory and not discretionary.
 (c) The word "may" is permissive.
 (d) The word "lot" shall include the words "place" or "parcel."
 (e) The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

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

(g) The word "permitted" or words "permitted as of right" mean permitted without meeting the requirements for a conditional use permit.

(h) The words "conditionally permitted" or "permitted by conditional use permit" mean permitted subject to the requirements for a conditional use and as permitted by the board of zoning appeals pursuant to § 14-310 et seq.

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

(j) Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions, or events shall apply.

(3) "Either ... or" indicates that the connected items, conditions, provisions, or events shall apply individually, but not in combination.

(k) All public officials, bodies, and agencies to which reference is made are those of the City of Oak Hill, Tennessee. (Ord. #12-16, Jan. 2013)

Definitions

14-113. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, all terms shall be used as commonly defined, except where they either are specifically defined or used in a context that clearly indicates a different meaning.

(a) Access - A private driveway or other point of vehicle access, that intersects or connects to a public street.

(b) Accessory use - A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

(c) Accessory structure - A structure that is subordinate in use and square footage to a principal structure or permitted use.

(d) Basement - The portion of a building that is located at least partially underground.

(e) Building - A structure with a roof, intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

(f) Building envelope - The area of a lot in which building(s) may be located taking into account applicable setbacks and minimum yard requirements.

(g) Building line - A line parallel to the right-of-way line at the point of the front yard setback or building facade, whichever is greater.

(h) Building permit - A written permit required by this ordinance prior to commencement of certain types of construction.

(i) Bulk - Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and, therefore, includes:

(1) The size (including height and floor area) of other structures,

(2) The area of the zoning lot upon which a residential building is located, and the number of dwellings within such buildings in relation to the area of the zoning lot,

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

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

(j) Certificate of occupancy - The final permit or authorization issued by the city allowing occupancy or use of a building, and certifying that the building has been constructed in accordance with all applicable requirements.

(k) Church - A building or buildings where people regularly congregate to participate in or hold religious services, meetings or other similar activities.

(l) Commercial use - Any nonresidential use of land engaged in commerce or commercial activity such as wholesale or retail trade or the provision of services.

(m) Conditional use - A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. For the purposes of this ordinance, conditional uses shall be construed as synonymous with special exceptions as authorized by *Tennessee Code Annotated*, § 13-7-206.

(n) Construction - The placing of construction materials in their permanent position, fastened in a permanent manner; actual work in excavation, grading or any land disturbance, or the demolition or removal of an existing structure begun preparatory to rebuilding.

(o) District - One (1) or more sections or areas of the City of Oak Hill, for which the regulation governing the height, area, use of buildings and premises, are the same.

(p) Dwelling - A structure designed and used primarily for residential human habitation. For the purpose of this chapter, the word "dwelling" shall not include a travel trailer, hotel, motel, dormitory or extended stay hotel.

(q) Dwelling, one-family - A residential structure dwelling other than a mobile home, located on a single lot, for occupancy by one family or single housekeeping unit and constructed with no connection by a common wall. The terms, "one-family dwelling," "single-family dwelling," "one-family residence," and "single-family residence," as used in this ordinance shall be synonymous. A mobile home shall qualify as a one-family dwelling only to the extent as this ordinance is pre-empted by state law.

(r) Driveway - Area designated and constructed for vehicular ingress and egress on property and to public street.

(s) Facade - The exterior wall on the front, side, or rear elevation of the building.

(t) Family - One (1) or more persons occupying a premise and living as a single, nonprofit, housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, hotel, or other structures designed for transient residence.

(1) A dwelling will be considered a single-family residence only if its permanent occupants are limited to one of the following categories:

(i) One (1) individual.

(ii) Any number of persons related by blood, marriage, adoption or foster care.

(iii) A group of persons consisting of an individual or any number of persons related by blood, marriage, adoption or foster care, such occupant(s) being referred to as the primary occupant(s) for the purposes of this section; plus no more than one person who is not related to the primary occupant(s); all of whom occupy the dwelling and function as a single housekeeping unit with common kitchen facilities. Providing unrestricted access to the entire dwelling to all occupants; sharing food and other necessities; and sharing household expenses and responsibilities are indications that a group of persons is living as a single housekeeping unit. For purposes of this section, at least one of the primary occupants of a residence must have evidence of a legal right to occupy the property, such as being named on a deed or lease to the property.

Not more than eight (8) unrelated persons with disabilities (as defined by state law and as determined by any duly authorized entity, including governmental agencies or licensed medical practitioners) pursuant to the requirements of *Tennessee Code Annotated*, § 13-24-102. Such a residence may also be occupied by three additional persons acting as house parents or guardians, who need not be related to each other or to any of the other persons residing in the home. Notwithstanding the foregoing, a group home operated as a for-profit commercial enterprise shall not be a permitted use within a residential zoning district. As used in this section, "persons having mental illness" does not include: Persons who have a mental illness and, because of such mental illness, pose a likelihood of serious harm as defined in *Tennessee Code Annotated*, § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness.

(2) A person shall be considered to be a permanent occupant of a dwelling for purposes of this section if such person:

(i) Occupies a dwelling for more than twenty-one (21) days within any twelve (12) month period;

(ii) Registers to vote using the address of a dwelling;

(iii) Receives mail at a dwelling;

(iv) Registers a vehicle or applies for a driver's license using the address of the dwelling; or

(v) Is registered to attend school, using the address of the dwelling.

(3) In addition to the foregoing, the following are not considered to be single-family residences:

(i) Boarding houses.

(ii) Apartment houses.

(iii) Dwellings in which one or more rooms are rented to unrelated tenants.

(iv) Dwellings in which separate portions are designated for or used as separate housekeeping units.

(v) Structures or portions of structures which are designed or constructed for any of the above purposes; and such structures and uses of structures are explicitly prohibited in each residential zoning district unless otherwise specifically permitted. Notwithstanding the foregoing, single-family residence may include a dwelling which includes separate quarters for persons who are related by blood, marriage or adoption to the primary occupants, provided such quarters are connected by interior passageways to the other portions of the dwelling, and are not rented to any unrelated tenants or otherwise used in violation of this chapter. If more than one (1) meter is installed for the same type of household utility service, it will be presumed that a structure is not being used as a single-family residence.

(u) Garage - A building, outbuilding or accessory structure used primarily for the parking or storage of vehicles.

(v) Height (of building) - The vertical distance from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

(w) Home occupation - A business, profession, occupation, or trade that is conducted within a dwelling for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use.

(x) Impervious surface - Buildings, parking areas, driveways, streets, sidewalks, structures, areas of concrete, asphalt, gravel, or other compacted aggregate, and areas covered by the outdoor storage of goods or materials that do not absorb water.

(y) Incidental - Being secondary, accessory, subordinate or ancillary. Incidental alterations -

(1) Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:

(i) Alteration of interior partitions in a nonconforming residential building, provided that no additional dwellings are created;

(ii) Alterations of interior non-load bearing partitions in all other types of buildings or other structures;

(iii) Replacement of, or minor changes in capacity of, utility pipes, ducts, or conduits; or

(2) Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:

(i) Making windows or doors in exterior walls;

(ii) Replacement of buildings facades having non-load bearing capacity;

(iii) Strengthening the floor load-bearing capacity, in not more than ten percent (10%) of the total floor area, to permit the accommodation of specialized machinery or equipment.

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

(aa) Lighting, private - Exterior lights and lighting fixtures intended to illuminate private on-site parking areas, access drives, and other on-site areas.

(bb) Lot - A piece or parcel of land occupied, or to be occupied, by one (1) principal building and its accessory buildings, and including the open spaces required in this ordinance.

(1) Front lot line. The front lot line is the parcel boundary abutting the public right-of-way.

(2) Rear lot line. The lot line opposite and the most distant from the front lot line.

(3) Side lot line. Any lot line not a front line or rear lot line shall be termed a side lot line.

(cc) Lot coverage - The gross area of a lot covered by any impervious surface, including the square footage of the area of land occupied by the ground floor of any building, or other structure including driveways and swimming pools.

(dd) Lot frontage - The front of a lot shall be construed to be the portion nearest the public right-of-way extending from the front lot line. For the purposes of determining yard requirements on corner lots and through lots, all lines of a lot abutting a public right-of-way shall be considered frontage (or front lot lines).

(ee) Lot of record - A lot or tract of land, described by deed and/or subdivision plat, filed in the Register's Office, Davidson County, Tennessee.

(ff) Lot of record, nonconforming - A lot of record that was legally established before adoption of this ordinance, or any subsequent amendment thereof, that does not comply with the current lot area standards within its zoning district.

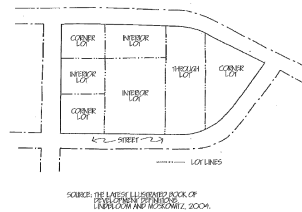
(gg) Lot types -The diagram (Figure 1) which follows illustrates terminology used in this ordinance with reference to corner lots, interior lots, and through lots:

(1) Corner lot - A lot located at the intersection of two (2) or more streets (public or private) or on two (2) parts of the same street forming an interior angle of less than one hundred thirty-five degrees (135°).

(2) Interior lot, defined as a lot other than a corner lot with only one (1) frontage on a right-of-way.

(3) Through lot, defined as a lot other than a corner lot with frontage on more than one (1) right-of-way. Through lots abutting two (2) rights-of-way may be referred to as double frontage lots.

Figure 1
LOT EXAMPLES



(hh) factory-built, single family Federal Manufactured Safety Standards. This referred to as a modular home and is fixed in place and not considered mobile.

Manufactured home - A structure that meets the Home Construction and type of structure is also

(ii) Mobile home - A manufactured residential structure that is built on a chassis designed to be used as a dwelling with or without a permanent foundation.

(jj) Nonconformity - An existing use, structure, lot of record, or sign that does not conform with one or more provisions of this ordinance.

(kk) Nonconforming structure - A structure or portion thereof, not including signs, legally developed before the effective date of this ordinance, or any amendment thereto, but that does not comply with all ordinance requirements.

(ll) Nonconforming use, building/structure, or lot - The use of a building or land, or building/structure, or lot lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

(mm) Outdoor storage - The keeping in an unroofed area of any goods, junk, material, merchandise in the same place for more than twenty-four (24) hours.

(nn) Pool house (cabana or bath house) - A permitted accessory structure, subject to the requirements of § 14-132, to be used ancillary to and in conjunction with a private swimming pool, tennis or sport court.

(oo) Private swimming pool - Any pool, hot tub, spa or receptacle of water intended for swimming, wading, or recreational bathing.

(pp) Public building or facility - Any building, structure, property or other facility that is owned, leased or otherwise used by a governmental body or public entity.

(qq) Public utility or facility - Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures related to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

(rr) Recreation equipment - see definition of structure types below.

(ss) Recreation facilities, private - A facility designed for the conduct of sports and leisure-time activities for the use of the household and guests, and located on a lot as an accessory use to a residence.

(tt) Recreational vehicles - Any building, structure, or vehicle designed and used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers, and camping trailers not meeting the specifications required for a manufactured home or mobile home.

(uu) School - A public, parochial, private, charitable, or nonprofit facility providing primary and/or secondary educational instruction which may include recreational uses and other incidental facilities for students, teachers and employees.

(vv) Setback line - A line running parallel to the right-of-way or property lines which establish the minimum distance the principal building must be setback from the right-of-way or property line.

(ww) Story - A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it. The following shall be deemed a half (1/2) story:

(1) A basement or cellar when half or more of the floor to ceiling height (more than half of the floor area) is above grade.

(2) An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which any exterior walls are not more than two feet (2') above the floor of such story.

(xx) Street - A public or approved private right-of-way, other than an alley, used for vehicular traffic and providing access to abutting properties.

(yy) Structure - Anything constructed or erected requiring more or less permanent location on the ground or attachment to something having permanent location on the ground, excluding wheels. Any new structure requires a building permit.

(zz) Subordinate - Being secondary, ancillary, accessory or derivative.

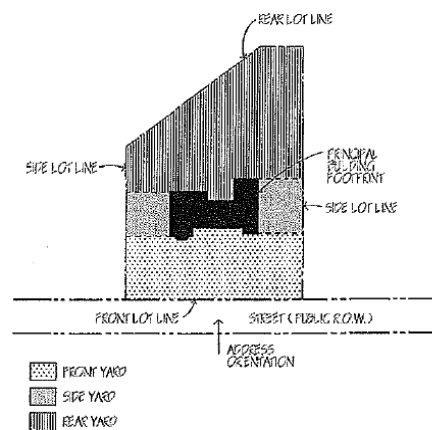
(aaa) Temporary structure - A structure erected without any foundation or footings and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

(bbb) Temporary use - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

(ccc) Use - The performance of a function or operation which constitutes the use of land or a structure.

(ddd) Use and occupancy permit - See certificate of occupancy.

Figure 2
YARD EXAMPLE



(eee) Yard - Open space on a lot which is unoccupied and unobstructed from the ground upward except as permitted in this ordinance.

(fff) Yard, front - The yard from the front lot line to the front facade of the principal structure, across the entire width of the lot. The front yard shall include the yard between the closest point on the front of the principal structure and the nearest side lot line and the front lot line. See Figure 2.

(ggg) Yard, rear - The yard from the rear of the lot to the rear facade of the principal structure, across the entire width of the lot. The rear yard shall include the yard between the closest point on the rear of the principal structure and the nearest side lot line and the rear lot line. See Figure 2.

(hhh) Yard, side - The yard on one or more sides of a principal structure extending from the principal structure to the side property line. See Figure 2.

Figure 3
CORNER LOT YARD EXAMPLES

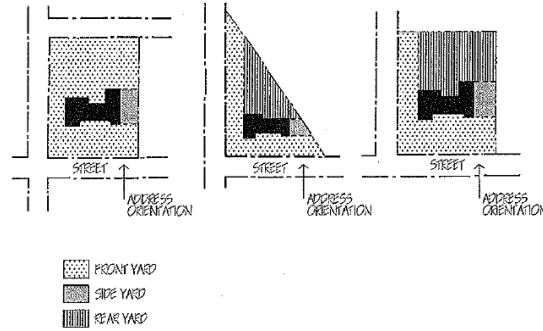
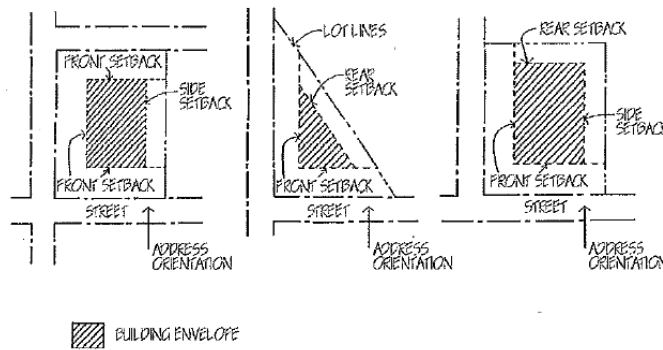
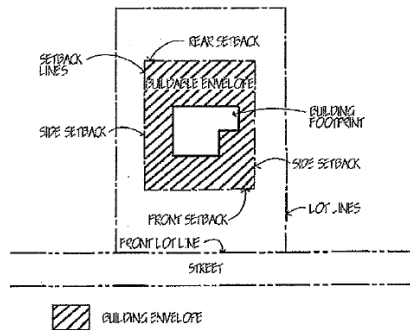


Figure 4
CORNER LOT BUILDING ENVELOPE AND SETBACKS



SOURCE: THE LATEST ILLUSTRATED BOOK OF DEVELOPMENT DEFINITIONS LINDBLOOM AND MOSKOWITZ, 2004.

Figure 5
BUILDING ENVELOPE AND SETBACK EXAMPLES



SOURCE: THE LATEST ILLUSTRATED BOOK OF DEVELOPMENT DEFINITIONS LINDBLOOM AND MOSKOWITZ, 2004.

(Ord. #12-16, Jan. 2013, modified)

ESTABLISHMENT OF DISTRICTS -
PROVISIONS FOR OFFICIAL ZONING MAP -
APPLICATION OF DISTRICT REGULATIONS

Establishment of Districts

14-114. Establishment of districts. In order to implement all purposes and provisions of this ordinance, the following districts are hereby established:

- Residential A (10,000 Square Feet) District
- Residential B (20,000 Square Feet) District
- Residential C (1 Acre) District
- Residential D (2 Acres) District
- Residential E (3 Acres) District
- Residential F (4 Acres) District (Ord. #12-16, Jan. 2013)

Provisions for Official Zoning Maps

14-115. Incorporation of maps. The boundaries of districts established by this ordinance are shown on the official zoning map, which is hereby incorporated into the provisions of this ordinance. The zoning map in its entirety, including all amendments, shall be as much a part of this ordinance as if fully set forth and described herein. (Ord. #12-16, Jan. 2013)

14-116. Identification of official zoning map. The official zoning map shall be identified by the signature of the mayor, attested by the city recorder, and designated as the "Zoning Map, Oak Hill, Tennessee."

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the city manager, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city. (Ord. #12-16, Jan. 2013)

14-117. Replacement of official zoning map. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the board of commissioners may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but not such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof.

All prior official zoning maps or any significant parts thereof shall be preserved, together with all available records pertaining to their adoption or amendment. (Ord. #12-16, Jan. 2013)

Rules for Interpretation of District Boundaries

14-118. Rules for interpretation of district boundaries. When uncertainty exists as to the boundaries of districts shown on the official zoning map, the following shall apply:

(a) Boundaries indicated as approximately following the center lines of rights-of-way, highways, or alleys shall be construed to follow such center lines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following city limits shall be construed as following such city limits.

(d) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(e) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (d) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of map.

(f) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (a) through (e) above, the board of zoning appeals shall interpret the district boundaries. (Ord. #12-16, Jan. 2013)

Application of District Regulations

14-119. General district regulations. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of use, structure or land, and particularly, except as hereinafter provided:

(a) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(b) No building or other structure shall hereafter be erected or altered:

(1) To exceed the height or bulk,

(2) To accommodate or house a greater number of families,

(3) To occupy a greater percentage of lot area,

(4) To have narrower or smaller rear yards, front yards, side yards or other open space, than herein required; or in any other manner contrary to the provisions of this ordinance.

(c) Except as otherwise expressly permitted herein, no part of a yard, or other open space, or off-street parking or loading space required about or in

connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(d) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein, except by taking for a public use. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

(e) Narrowing setback lines. (i) All existing setback lines on individual lots, as mandated by zoning ordinance in effect as of the time of adoption of this ordinance, shall control and must be maintained irrespective of any change or proposed change in the orientation of a lot or lots, re-orientation of a house on a given lot, alteration or change in the street address orientation of a lot, change in the designation of the front or other lot lines, subdivision of a lot, or otherwise. The front, rear and side setback lines in effect for the individual lot prior to any such change or proposed change shall control and must be maintained.

(ii) If two (2) or more lots are combined and then re-subdivided, there shall be no decrease in existing front, rear or side set-back lines. The setback lines in effect for the individual lots prior to the consolidation shall control and must be maintained.

(iii) Notwithstanding the provisions of (i) and (ii) above, if the designation of the front of a lot changes to a different side of the lot, the newly-designated front must comply with the minimum front setback line for the zone in which the lot is located.

(iv) No exceptions to this section will be permitted until and unless a variance is obtained from the board of zoning appeals. A variance may be granted only pursuant to the requirements of § 14-203 of this code.

(v) Any request for variance pursuant to this subsection, must include a site plan for each adjoining lot including the building envelope with dimensions for each lot prior to any proposed change. All subdivision plats proposing a change, must also include a site plan for each adjoining lot including the building envelope with dimensions after the proposed change. Any submission must also include a narrative describing how each adjoining lot's building envelope will be different per the proposed change. (Ord. #12-16, Jan. 2013, as amended by Ord. #O-19-09-02-90, Sept. 2019 *Ch1_11-10-20*)

DISTRICT REGULATIONS

Residential Districts

14-120. Use and structure provisions. The uses and structures indicated herein may be permitted within the various residential districts only in the manner specified herein and subject to any design criteria that apply.

(a) Uses permitted. (1) Principal permitted use. The principal permitted use for all residential districts is single-family dwellings. Structures intended for occupancy by more than one family and other multi-family dwellings are not permitted in residential districts. Only one (1) single-family dwelling is permitted on a lot. The principal permitted use and permissible conditional uses are listed in Table I.

(2) Permitted accessory uses and structures. In addition to single-family dwellings, accessory uses and structures customarily associated with and appropriate, incidental, and subordinate to single-family dwellings may be permitted. The permitted accessory uses and structures are described in § 14-132 of this ordinance and additional permitted encroachments are described in § 14-130. Home occupations may be permitted if meeting the requirements set out in § 14-134.

(b) Conditional uses and associated structures. Conditional uses and associated structures permitted subject to the review of the board of zoning appeals and to the standards contained in § 14-310 *et seq.* are listed in Table I.

(c) Prohibited uses and structures. Any use or structure not specifically permitted by right or by conditional use as presented in Table I is prohibited. (Ord. #12-16, Jan. 2013)

14-121. Bulk, yard, and density regulations. The regulations appearing below apply to lots and buildings or other structures located on any lot or portion of a lot including all new development, enlargements, extensions, or conversions. Existing buildings or other structures which do not comply with one (1) or more of the applicable bulk regulations are classified as nonconforming and are subject to the provisions of regulations governing nonconforming uses, buildings or structures and lots.

(a) Minimum lot area. Within all residential districts, the minimum size lot and width of lot used for residential purposes shall be as established in Table II.

(b) Maximum lot coverage. Within all residential districts, the maximum lot coverage by all buildings and impervious surfaces shall not exceed the greater of the percentage of lot area or square footage as established in Table II.

(c) Maximum permitted height. No building shall exceed the height requirements as determined in Table II.

<i>Uses</i>	<i>Residential Districts</i>					
	A	B	C	D	E	F
Churches	N	N	C	C	C	C
Public and private schools	N	N	C	C	C	C
Temporary buildings and uses	C	C	C	C	C	C
Public buildings and utilities	C	C	C	C	C	C
Non-profit historic buildings	N	N	C	C	C	C

Key

P - Permitted as of right

C - Permitted by conditional use permit subject to the standards of Article 6

N - Not permitted

TABLE II
LOT, YARD, BULK, AND DENSITY REQUIREMENTS

Requirements	A	B	C	D	E	F
Minimum lot area	10,000 SF	20,000 SF	1 Acre	2 Acre	3 Acre	4 Acre
Maximum lot coverage (The greater of the following SF or % of actual lot size)	5,000 or 50%	9,000 or 45%	15,246 or 35%	26,136 or 30%	26,136 or 20%	26,136 or 15%
Maximum heated/ cooled space (60% of maximum lot coverage up to the cap)	70%	60%	60% up to 9,500	60% up to 16,000	60% up to 16,000	60% up to 16,000
Maximum height	2 1/2 stories 32 feet	2 1/2 stories 32 feet	2 1/2 stories 36 feet	2 1/2 stories 36 feet	2 1/2 stories 46 feet	2 1/2 stories 46 feet
Minimum yard requirements						
Front ¹	30 feet	40 feet	75 feet	75 feet	100 feet	150 feet
Side	10 feet	15 feet	30 feet	35 feet	40 feet	50 feet
Rear	30 feet	40 feet	60 feet	70 feet	100 feet	100 feet

Requirements	A	B	C	D	E	F
Minimum front lot line ²	50 feet	50 feet	100 feet	150 feet	175 feet	225 feet
Maximum lot depth						
Lot width ratio ³	4:1	4:1	4:1	4:1	4:1	4:1

¹Whichever is greater from this table or § 14-121(f)

²Lots on cul-de-sacs are exempt from this provision; but must have a minimum front lot line of at least forty feet (40') feet measured along the curve at the edge of the right-of-way

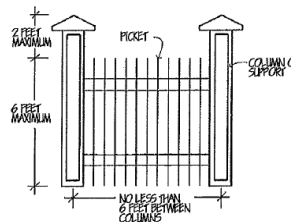
³Lot width is measured at the narrowest point of the respective lot and lot depth is measured at the deepest point of the lot. (Ord. #12-16, Jan. 2013, as amended by Ord. #0-17-08-01-90, Feb. 2017, and Ord. #O-18-02-02-90, Feb. 2018)

Supplementary District Regulations

The regulations herein are supplemental to the district regulations

14-122. Visibility at intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to be grown in such a manner as obstruct the visibility between a height of two and one-half feet and ten feet (2 1/2' and 10') above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said right-of-way lines fifty feet (50') from the point of the intersection, known as the "sight triangle." (Ord. #12-16, Jan. 2013)

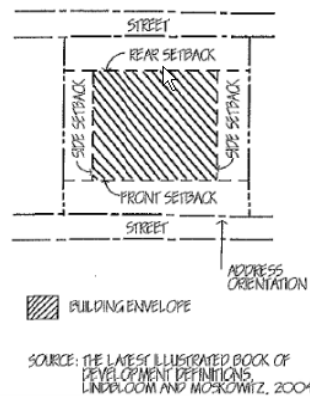
14-123. Fences, walls, and hedges. Notwithstanding other provisions of this ordinance, fences and walls not more than six feet (6') high may be erected in any yard, but no such fence or wall or hedges or shrubbery shall be erected or grown in violation of § 14-120 above. Column or post finials (including bases) may exceed the maximum fence height by not more than two feet (2') or thirty-three percent (33%) of the post height, whichever is less. In addition, the columns or posts shall be placed no less than six feet (6') on center with the exception of access gates, which may be placed closer together. This subsection shall not be construed to prohibit the installation of retaining walls or other similar structures required for the safe development of a property and approved by the city. (Ord. #12-16, Jan. 2013)



14-124. Exception to height regulations. The height limitation contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances not intended for human occupancy placed above the roof level. However, these elements shall not exceed the height of the structure on which they are attached by more than fifty percent (50%).

This exception shall not apply to light standards for athletic fields or parking lots which may only be permitted by conditional use. (Ord. #12-16, Jan. 2013)

14-125. Rear yard abutting a public street. When the rear yard of a lot abuts a public right-of-way, all structures built in that rear yard shall observe the same setback from the right-of-way line, center line of the street, or property line required for adjacent properties which front on that right-of-way. In addition, any structure located within twenty-five feet (25') of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that right-of-way.



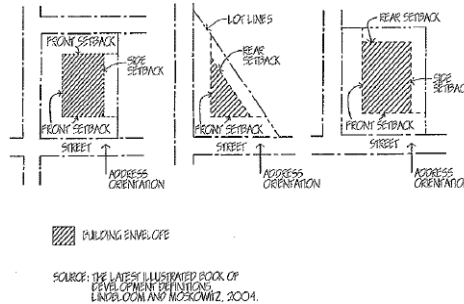
(Ord. #12-16, Jan. 2013)

14-126. Access to lots; private roads. No building shall be erected on any lot that does not abut a public street or a city approved private road for a distance equal to or greater than the applicable minimum front lot line distance for such lot as set forth in Table II. All private roads must be built in accordance with the public roads standards as adopted by the city. All driveways shall be set back at least five feet (5') from the closest property line of an adjacent lot in districts C, D, E, and F. (Ord. #12-16, Jan. 2013)

14-127. Minimum lot area. No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. This section shall not apply when a portion of a lot is acquired or dedicated for a public purpose.

14-128. Corner lots. The rear yard setback requirements for corner lots shall apply to the portion of the lot which is opposite the front lot line. The front lot line shall be determined from the right of way that is the mailing address of the property unless § 14-119(e)(i) is applicable. (Ord. #12-16, Jan. 2013, as amended by Ord. #O-19-09-02-90, Sept. 2019 *Ch1_1-10-20*)

14-129. Reduction in lot area prohibited.



No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired or dedicated for a public purpose. (Ord. #12-16, Jan. 2013)

14-130. Permissible structures and setback encroachments. In all districts, the following structures are permissible in any yard; provided the structures shall not exceed fourteen feet (14') in height and that they shall meet and comply with all other provisions herein, and shall be setback from the property line a minimum of ten feet (10'):

(a) In any yard:

- Arbors and trellises.
- Awnings or canopies projecting from a building wall may encroach over a building setback line not more than six feet (6') and having no supports other than provided by the wall or its integral parts.
- Basketball goals or other similar recreational structures.
- Chimneys projecting from a building wall may encroach not more than three feet (3') over a building setback line.
- Eaves, gutters, or downspouts projecting from a building wall may encroach over a building setback line not more than twenty-four inches (24").
- Fire escape or staircases projecting from a building wall, the riser of which shall be at least fifty percent (50%) open and whose vertical projection downward may encroach over a building setback line not more than three feet (3').
- Fountains.

- Mail boxes; may be provided at the front lot line.
 - Open terraces, including natural plant landscaping.
 - Retaining walls (no minimum setback requirement).
 - Sculpture or other similar objects of art.
 - Street furniture such as, but not limited to, benches, drinking fountains, light standards, and directional signs.
- (b) The following structures are permissible in any rear yard only:
- Clothes poles or clotheslines, as long as visual screening is provided to adjacent properties.
 - Storage buildings, gazebos and/ or tree houses.
 - Parking areas subject to the requirement of § 14-136. (Ord. #12-16, Jan. 2013)

14-131. Limitations on farming. Farming activities, including agriculture and horticulture, may be conducted except that the following are prohibited activities on any lot within the City of Oak Hill:

(a) Dairies; kennels; rabbit, goat, or animal raising activities; hatching, raising, fattening and/or butchering of chickens, pigeons, turkeys, or other poultry; hog and other livestock feeding; and commercial plant nurseries and greenhouses.

(b) Chickens solely used for egg production are allowed and limited to two (2) chickens per lot.

(c) Horses and/or ponies may be kept for personal use only provided there shall be a minimum of two (2) acres of fenced and suitable pasture area available for the first horse and not less than one (1) additional acre of fenced and suitable pasture area available for each additional horse. If additional fenced and suitable pasture area is available on an adjacent lot, proof of such land availability shall be required in writing and recorded with the Davidson County Register of Deeds. (Ord. #12-16, Jan. 2013)

14-132. Accessory uses and structures. It is the intent of this section that all accessory buildings shall be unobtrusive, should not compete visually with the principal structure; and should not detract from the character of the surrounding neighborhood. It is further the intent of this section that accessory buildings should remain subordinate, in terms of mass, size and height, to the principal structure. Any accessory building or structure not specifically listed herein shall be prohibited.

- (a) Accessory uses. (1) Total vehicle storage space may be provided for four (4) motor vehicles on any lot in districts A, B and C, and up to eight (8) motor vehicles on any lot in districts D, E and F. No garage or carport shall have openings for ingress or egress of vehicles into and out of the structure where the sum of such openings exceeds forty feet (40') along the same face of the structure. Not more than one (1) commercial vehicle

may be parked on any residential lot. The commercial vehicle shall be parked in a garage or at all times.

(2) Sleeping quarters for servants or employees are only allowed as part of the main dwelling or residence and may not be detached from residence, nor may they be equipped with cooking or housekeeping facilities.

(b) Permissible accessory structures. (1) A private stable for the care and housing of horses and/or ponies. The stable shall be located within the building envelope and the rear yard. All stables shall not be greater than twenty-five feet (25') in height or nine hundred (900) square feet. The design of the stable shall utilize the same architectural style as the principal structure.

(2) Private swimming pools subject to further provisions herein. The pool shall be located within the building envelope and in the rear yard.

(3) A pool house, cabana or bath house ("pool house") to be used incidental to a swimming pool, tennis or sport court; provided, that the pool or sport court shall be completed prior to or constructed simultaneously with the pool house. A pool house may include bathrooms and dressing rooms, but shall not include a kitchen or cooking facilities. A pool house may also contain a wet bar, including an under-counter refrigerator. A pool house shall not be used as a permanent or temporary sleeping quarters, a guest house or dwelling. A pool house shall not be larger than twenty-five percent (25%) of the square footage of the principal structure, not to exceed one thousand two hundred (1,200) square feet, and shall not be greater than twenty-five feet (25') in height. The structure shall be located within the building envelope and in the rear yard. The design and construction of the pool house shall utilize the same architectural style and materials as the principal structure.

(4) Small accessory buildings for the storage of small garden and household tools, lawn mowers, and other similar equipment ("storage buildings"). Storage buildings shall be one (1) story and no greater than fourteen feet (14') in height, nor larger than two hundred (200) square feet. Only one (1) storage building may be located on a lot. Storage buildings shall be located in the rear yard and a minimum of ten feet (10') from any lot line.

(5) Recreation facilities consisting of tennis courts, basketball courts, and similar play apparatus but not including tree houses, or playhouses exceeding twenty-five (25) square feet, swimming pools or sheds utilized for storage of equipment. These facilities shall be located within the building envelope and the rear yard. Any pole lighting installed for these facilities shall comply with the dark sky requirements in § 14-141.

(6) Gazebos consisting of a detached, covered, freestanding, open-air structure having a maximum height of fourteen feet (14') and a maximum area of six hundred (600) square feet designed for recreational use and not for storage or habitation. Gazebos shall be located in the rear yard and a minimum of ten feet (10') from any lot line.

(7) Patios consisting of a level surfaced area directly adjacent to a principal building at or within three feet (3') of the finished grade with one (1) or more open sides whose principal use shall be for indoor-outdoor recreation. Patios shall be located within the building envelope and in the rear yard.

(8) Tree houses, playhouses, dog houses consisting of a freestanding structure, shall have a maximum height of twelve feet (12') and an area not to exceed one hundred and twenty (120) square feet. These structures shall be located in the rear yard and a minimum of ten feet (10') from any lot line.

(9) Guard houses located on a private road or entrance to a residential property for the purpose of manually or electronically regulating and monitoring pedestrian and/or vehicular traffic. The guard house may encroach over the front building setback line but shall be at least forty feet (40') from the public right-of-way or private access easement and shall include a turnaround for vehicles with a minimum radius of twenty feet (20'). The structure shall not exceed seventy-five (75) square feet and shall be designed with the same architectural style and material as the principal structure.

(10) A detached garage for vehicular parking shall not be used as a permanent or temporary sleeping quarters, a guest house or dwelling. A detached garage shall not include a kitchen, cooking or bathing facilities. Detached garage space may be provided for a maximum of two (2) motor vehicles on any lot, with a maximum size of nine hundred (900) square feet and a maximum of twenty-five feet (25') in height. Any garage space provided in a detached garage shall be considered as part of the total garage space allowed in the principal structure as stated in § 14-132(a). All vehicles shall enter said structure from either the rear yard or side yard in districts D, E, and F. All detached garages shall be located within the building envelope and rear yard. The design of the detached garage shall utilize the same architectural style and material as the principal structure. A detached garage shall mean a garage that is not attached to the primary structure or is attached to the primary structure by anything other than finished living space. (Ord. #12-16, Jan. 2013)

14-133. Requirements for private swimming pools. It shall be unlawful to construct or establish a private swimming pool within the City of Oak Hill as defined without having obtained a permit in the manner prescribed in this ordinance. Any swimming pool to be constructed or substantially altered

after January 1, 2011 shall be required to install a pool surface alarm and otherwise comply with *Tennessee Code Annotated*, § 68-14-801 *et seq.*

(a) Permits. Application for the construction of a private swimming pool shall be made to the city manager, or designee, by the owner of the property or by the contractor who will construct said swimming pool. Application shall be accompanied by a set of plans, specifications and site plans of the property. The site plans shall show the accurate location of the proposed swimming pool and discharge system on the property, together with any proposed bathhouses, cabanas or other facilities, and shall also show the location, height and type of all existing fences or walls on the property, together with the type and height of such fencing or enclosures as may be required by this ordinance to prevent, within reason, any person from gaining access beneath or through said fence when the pool is unguarded or unattended.

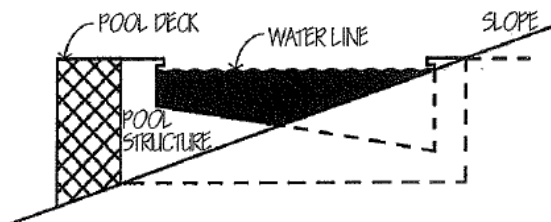
A fee shall be paid to the City of Oak Hill for such pool permit, which fee shall be exclusive of the permit fee required for erection of any accessory structure to be used in connection with such swimming pool.

No permit for a private swimming pool shall be issued by the city manager, or designee, until the plans, specifications and site plan have been approved by the City of Oak Hill.

Any fees prescribed by this section shall be determined, from time to time, by resolution of the board of commissioners.

(b) Construction and maintenance. All material used in the construction of pools as herein defined shall be waterproofed and easily cleaned, and shall be such that the pool may be maintained and operated so as to be clean and sanitary at all times. The pool structure, i.e. structure holding the water, shall be constructed from permanent materials such as concrete, granite or fiberglass.

All private swimming pools having a depth of more than thirty inches (30") shall be constructed below the level of the surrounding land; Provided that this requirement shall not apply to a hot tub or spa, designed, installed and used above ground level. For properties with slopes of ten percent (10%) or greater, a portion of the pool enclosure (or structure), no greater than fifty percent (50%), may be built above the ground of the surrounding land (or slope line) as illustrated below. The pool deck is not considered part of the pool enclosure for this calculation.



The owners shall

be responsible for

maintaining said pool in such condition as to prevent breaks in the pool or water from the pool overflowing into adjacent public or private property.

(c) Water supply. There shall be no physical connection between a potable public or private water supply system and such pools at a point below maximum waterline of the pool or to a re-circulating or heating system of said pool.

(d) Discharge system. All pools hereafter constructed shall be provided with one (1) drainage outlet not to exceed three inches (3") in diameter extending from the pool to either a brook, storm sewer, lawn-sprinkling system on the premises on which the pool is located, or to an adequate drainage area approved by the city manager, or designee, and the discharge of water from such pools shall be permitted only following approval by the proper state, county or city officials as each case requires. The city manager or designee shall inspect the premises on which such pool is proposed to be constructed in order to determine the proper place and type of connection for discharge of the water there from. Approval shall not be given to discharge water at the curb or upon the surface of any street, or onto or across adjacent property unless the owner of the property affected shall give written consent for this to be done and shall agree to waive any claim against the city and the property owners involved for damage to property resulting there from.

(e) Disinfection. All private swimming pools shall be treated with chlorine (or other generally appropriate chemicals) in sufficient quantity so that there will be present in the water at all times when the pool is in use a residual of excess chlorine of not less than two hundredth (0.20) parts per million of available free chlorine.

(f) Bacteriological standards. Not more than twenty percent (20%) of the samples of water taken from any private swimming pool, when more than twenty (20) samples have been examined, and not more than three (3) samples, when less than twenty (20) samples have been examined, shall contain more than two hundred (200) bacteria per cubic centimeter or shall show positive tests (confirmed) for chloroform in any of five to ten (5 to 10) cubic-centimeter portions of water at times when the pool is for use. For the purpose of this section, any number of samplings of water on a single day shall be considered as one (1) sample. The city manager, or designee, may make arrangements with the Davidson County Health Department to take and analyze water samples for the City of Oak Hill.

(g) Accessory buildings. The construction and design of any pool houses, bathhouses, cabanas and other facilities shall be of the same general character and design as the principal residence or building on the property. Locker rooms, pool houses, bathhouses, cabanas, shower rooms, toilets, runways and all other physical facilities or equipment incident to the operation of any private swimming pool shall be kept in a sanitary condition at all times. Refer to § 14-132 for the development standards for accessory structures including those listed in this subsection.

(h) Location. Private swimming pools shall be located within the building envelope and the rear yard.

(I) Fencing. All private residential swimming pools shall be completely enclosed by a fence, wall, building, or combination thereof, provided that all such barriers shall be not less than four feet (4') in height. All gates allowing access to the pool area from the exterior of the building shall be self-latching and all such latches shall be a minimum of four feet (4') above ground level. Gates leading directly to the area must be kept closed at all times unless premise occupants are in the vicinity of the area and can observe entry to the area through open gates. Barriers, including gates, shall be maintained in good repair at all times. All fencing shall meet the requirements of the current building code.

(j) Lighting. No artificial lighting shall be maintained or operated in connection with private swimming pools in such a manner as to be a nuisance or an annoyance to neighboring properties. All lighting shall comply with § 14-141 lighting - dark sky regulations. No overhead current-carrying electrical conductors shall be within fifteen feet (15') horizontally of a pool. All metal fences, enclosures or railings near or adjacent to private swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.

(k) Operation and maintenance. All private swimming pools shall be maintained in a clean and sanitary condition and all equipment shall be maintained in a satisfactory operating condition during periods the pool is in use. No private swimming pool shall be used, kept, maintained or operated in the city if such use, keeping, maintaining or operating shall be the occasion of any nuisance or shall be dangerous to life or detrimental to health.

(l) Enforcement. Every private swimming pool as defined herein constructed or to be constructed in the City of Oak Hill shall at all times comply with the requirements of the Davidson County Board of Health. Any nuisance or hazard to health which may exist or develop in, or in consequence of, or in connection with, any such swimming pools shall be abated and removed by the owner, lessee, or occupant of the premises on which the pool is located within ten (10) days of receipt of notice from the Davidson County Board of Health or from the City Manager, or designee, of Oak Hill.

(m) Penalties and injunctive relief. In addition to any applicable penalty provisions under state law or local ordinance, the city shall have the right to enjoin the existence or operation of any swimming pool not constructed or operated in accordance with the provisions of this ordinance. (Ord. #12-16, Jan. 2013)

14-134. Requirements for home occupations. Any home occupation shall meet the following requirements:

(a) No person other than members of the family residing on the premises shall be engaged in such occupation;

(b) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants, and not more than ten percent (10%) of the floor area of the dwelling shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the, building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building;

(d) No home occupation shall be conducted in any accessory building except that a home occupation may be conducted in a permitted detached garage, provided that the home occupation shall be fully enclosed within the garage and may only be conducted within finished space of such structure, separate from the area designated for vehicle parking and storage;

(e) There shall be no sales on the premises in connection with such home occupation;

(f) No traffic shall be generated that exceeds ten (10) vehicle trips per day on any lot, and any need for parking generated by the conduct of such home occupation shall be met off the right-of-way and other than in a required front yard; and

(g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. (Ord. #12-16, Jan. 2013)

14-135. Off-street parking requirements. Off-street parking space, open or enclosed, shall be provided as specified below.

These shall be minimum requirements:

Residential uses -	Two (2) spaces per dwelling
Churches -	One (1) space for each three (3) seats in the main assembly hall
Parks and playgrounds -	Ten (10) spaces for each acre of land devoted to recreation, plus one (1) space for each four (4) spectator seats.
Schools -	Grades 1-7 - One (1) space for each four (4) students, teachers, and employees, or one (1) space for each five (5) seats in an auditorium, whichever is greater.
Grades 8-12 -	One (1) space for each four (4) students, teachers, and employees, or one (1) space for each four (4) seats in the auditorium or sports stadium, whichever is greater.

For the purposes of this section, each bench seat in an auditorium, stadium or church shall be measured as eighteen inches (18") of a bench. The planning commission may authorize the use of off-site parking to comply with

the requirements herein provided a written agreement between both parties is provided. (Ord. #12-16, Jan. 2013)

14-136. Development standards for parking lots. All parking lots for uses or activities other than residential which require five (5) or more parking spaces shall meet the following development standards:

(a) Design objectives. Parking lots shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of the overall site design. No more than twenty-five percent (25%) of the total parking spaces may be located in the front yard, and the parking lots may encroach into the front setback by no more than thirty percent (30%) of the setback requirement. The parking lots may encroach into the side and rear setbacks by no more than fifty percent (50%) of the setback requirement.

For reasons of use and appearance, it is desirable that parking lots be level or on terraces formed with the slope of the land. Changes in level between such terraces should be formed by retaining walls or landscaped banks.

Efforts shall be made to assure that a parking lot does not dominate a site or building. Such efforts may include depressing the level of the parking lot, construction of earth berms, dividing large lots into smaller sub-lots, and other similar techniques.

(b) Site plan and landscape plan requirements. Any proposed building or conditional use that requires five (5) or more off-street parking spaces shall be required to provide a site plan and landscape plan - drawn to scale and fully dimensioned showing the location, design, and layout of such parking facilities. The landscape plan shall be included either as a part of the parking area site plan or as a separate plan for the parking area. Such landscape plan shall show any trees, shrubs, flowers, or ground covers together with names of plants; retaining walls or screens; walkways; and traffic barriers.

The site plan and landscape plan shall be attached to the required application, for the respective permit. The site plan and landscape plan must be approved by the planning commission prior to issuance of the respective permit.

(c) Access to the streets. The entrances and exits of all required permitted accessory off-street parking facilities shall be located not less than fifty feet (50') from the intersection of any two (2) street right-of-way lines. All entrances and exits shall be designed based on traffic volumes and a traffic study and shall be no more than thirty feet (30') wide, excluding the corner radii. All entrances and exits shall be at least five feet (5') from any property line (except the front property line).

(d) Surfacing. All off-street parking areas shall be surfaced with asphalt or concrete, and so constructed to provide adequate drainage. Grass parking areas may be approved by the planning commission provided the parking areas do not constitute more than twenty-five percent (25%) of the required parking and the grass parking areas are stabilized with a geotechnical

earth stabilization material.

(e) Border barriers. An off-street parking area shall be provided with a rail, fence, wall, earth berm, curb, or other continuous barrier of a height sufficient to retain all cars completely within the property together with appropriate landscaping, except at exit or access driveways. In addition, screening shall be provided on each side of a parking area as required below.

(f) Screening. Surface off-street parking lots with five (5) or more parking spaces shall be screened from adjacent lots by either:

(1) A strip at least four feet (4') wide, planted with shrubs every three feet (3') on center at least four feet (4') high at the time of planting, and which are of a type which may be expected to form a year-round dense screen at least six feet (6') high within three years (3), and one (1) tree at least six feet (6') at the time of planting every twenty-five feet (25') on center; or

(2) A wall or barrier or uniformly painted fence at least six feet (6') in height. Such wall, barrier, or fence may be opaque or perforated provided that not more than fifty percent (50%) of the fence is open. In addition such screening:

- Shall be maintained in good condition at all times,
- Shall not be placed within fifteen feet (15') of a vehicular entrances and exits,
- Shall have no signs hung or attached thereto other than those permitted signs for parking areas as specified in this ordinance, and
- Shall not obstruct visibility of motorists at street intersections.

(g) Parking lot landscaping. Off-street parking lots containing at least twelve (12) interior parking spaces shall contain landscape areas. The total size of such landscaped areas shall be equal to ten (10) square feet for each parking space and shall be provided within the interior of an off-street parking area. Landscape areas shall be a minimum of seventy-five (75) square feet and shall contain at least one (1) shade or flowering tree for each one hundred (100) square feet of required landscaped area. A minimum of seventy-five percent (75%) of all trees that are required to be planted within the interior of an off-street parking area shall be shade trees. The shade trees shall be located in such a manner to produce maximum overhead canopy for the vehicles. All parking lot landscaped areas shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. Parking lot landscaped areas shall be designed, planted, and maintained to permit clear vision between the height of two feet (2') and eight feet (8') above grade; however, this requirement shall not apply where the lack of clear vision is not deemed to be a safety hazard. Terminal islands, interior islands and divider medians should be designed to retain maximum water in the turf areas.

(h) Parking stalls and maneuvering space. The minimum size of each parking space shall be nine feet by eighteen feet (9' X 18').

The minimum width of driveways within the parking lot for maneuvering to and from parking stalls shall be as follows:

90 degree parking - 25 feet

60 degree parking - 20 feet

45 degree parking - 20 feet

30 degree parking - 12 feet

(I) Disabled parking space requirements. Disabled parking spaces shall be provided for all non-residential uses in conformance with the Americans with Disabilities Act (ADA) and applicable state legislation and building codes. (Ord. #12-16, Jan. 2013)

14-137. Illicit discharges. (a) Scope. This section shall apply to all water generated on developed or undeveloped land entering Oak Hill's municipal separate storm sewer system.

(b) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. No person shall allow discharges that flow from a stormwater facility that is not inspected in accordance with Tennessee General Permit Stormwater Discharges from Construction Activities section 3.5.8.2. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

(1) Uncontaminated discharges from the following sources:

(I) Water line flushing or other potable water sources.

(ii) Landscape irrigation or lawn watering with potable water.

(iii) Properly authorized diverted stream flows.

(iv) Rising ground water.

(v) Groundwater infiltration to storm drains.

(vi) Pumped groundwater.

(vii) Discharges from potable water sources.

(viii) Air conditioning condensate.

(ix) Irrigation water.

(x) Springs.

(xi) Water from crawl space pumps.

(xii) Footing drains.

(xiii) Lawn watering.

(xiv) Individual residential car washing.

- (xv) Natural riparian habitat or wetland flows.
- (xvi) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine).
- (xvii) Street wash water.
- (xviii) Firefighting activities.
- (xix) Any other uncontaminated water source.
- (2) Discharges specified in writing by the city as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge if the city has so specified in writing.
- (4) Discharges authorized by the Construction General Permit (CGP):
 - (I) Dewatering of collected stormwater and ground water.
 - (ii) Wash removal of process materials such as oil, asphalt or concrete is not authorized.
 - (iii) Water used to control dust in accordance with CGP.
 - (iv) Potable water sources, including waterline flushing, from which chlorine has been removed to the maximum extent practicable.
 - (v) Routine external building wash down that does not use detergents or other chemicals.
 - (vi) Uncontaminated groundwater or spring water.
 - (vii) Foundation or footing drains where flows are not contaminated with pollutants (e.g., process materials such as solvents, heavy metals, etc.)

(c) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition expressly includes stormwater control measures connected to the system not properly inspected and maintained in accordance with this chapter.

(d) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the maximum extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing SCMs that have not been maintained and/or inspected in accordance with this chapter shall be regarded as illicit.

(e) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify Oak Hill in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to Oak Hill within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(f) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the city. Such illegal activity exposes runoff to contamination; generating an illicit discharge.

(g) Violations and penalty. It shall be unlawful for any person to violate or fail to comply with any provision of illicit discharge regulations as herein adopted by reference and modified. Any violation of this chapter may be prosecuted in city court before the administrative hearing officer or in any other court of competent jurisdiction at the election of the city. Violations of this chapter shall subject the offender to penalties under the general penalty provision of this code or as otherwise authorized by law. Each day a violation is allowed to continue shall constitute a separate offense. Nothing herein shall preclude the city from taking other legal or equitable action to restrain, correct or abate a violation of this chapter. (Ord. #O-18-03-01-80, March 2018)

14-138. Regulations for steep slope areas. It is a substantiated fact that areas of steep slopes, when developed into buildings and streets, present a significant threat of landslides or soil movement. This generally occurs on slopes exceeding fifteen to twenty percent (15-20%) grades. (See: *Landslides in the Nashville, Tennessee Area-Winter 1975*, Robert A. Miller and John D. Wiethe, Tennessee Division of Geology, 1975) Oak Hill contains many such areas. Therefore, it is the policy of the City of Oak Hill to protect life and property by requiring special review procedures for construction on any area of fifteen percent (15%) or greater slopes. The applicant shall pay, as adopted by board of commissioners resolution, for review by the Planning Commission for

steep slopes or in connection with the Radnor Lake Impact Ordinance. The following regulations shall apply:

(a) Site plan required. No building permit shall be issued for construction on any area of fifteen percent (15%) or greater slopes until a site plan meeting the following requirements has been approved by the planning commission. Said site plan shall show:

(1) The exact size, shape, and location of the lot, and the existing drainage pattern, (2) The proposed location of all buildings, driveways, drainage ways, and utilities, (3) Contours at vertical intervals of no more than five feet (5') taken from aerial photography or field survey,

(4) The extent of natural tree cover and vegetation,

(5) The location of any on-site soil absorption sewage disposal systems,

(6) The type and location of erosion control methodology,

(7) The exact area where any natural vegetation is proposed to be removed,

(8) The size, type, and height of all buildings proposed to be constructed.

(9) The location and extent of colluvial soil areas as determined by soil test borings,

(10) The engineer's stamp that prepared the plan,

(11) Certification as to the stability of the structures and slope and compliance with sound construction methods for areas with steep slopes and landslide problems by a registered geotechnical engineer. Said engineer shall also certify such features after completion of construction prior to issuance of the certificate of occupancy,

(12) When the planning commission determines that additional information is required, an additional soils or geotechnical engineer may be employed to be funded by the developer. The planning commission may then require additional standards for development of the lot or tract if substantiated by the facts.

(b) Development standards. The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's certification required in § 14-138(a) above shall address these standards:

(1) Natural vegetation shall be preserved to the maximum extent possible. Existing vegetation on slopes fifteen percent (15%) or greater shall not be removed except as approved by the planning commission. The planning commission may require replacement of removed trees up to the caliper inches removed. Any grass areas shall be sodded.

(2) Natural drainage ways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques.

(3) Development shall require a minimum of two (2) acres of land per parcel. The planning commission may require additional acreage when justified by the soil tests and/or slope of the site and limit development to a maximum of ten percent (10%) of the lot.

(4) Off-road vehicles shall be prohibited from all such areas and may not be operated off streets and driveways.

(5) Operations that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent possible which will permit reasonable development of the site. These include filling, irrigation systems, accessory buildings, and on-site soil absorption sewage disposal systems.

(6) Where sanitary sewers are not available, any on-site sewage disposal system shall be shown on the site plan and located to avoid slide prone areas. Said system shall be approved by the county health department prior to the planning commission's review taking into account these requirements.

(7) Erosion control measures shall be employed to prevent all soil material from leaving the site. Additionally, soil from excavation on the site shall not be deposited as fill on a potential slide area. Additionally, all aspects of the Metropolitan Nashville Storm Water Management Ordinance shall apply.

(8) No construction, including for roads which would cut the toe of the slope shall be permitted, except as approved as a part of a soil stabilization plan submitted by a licensed geotechnical engineer on behalf of developer. (Ord. #12-16, Jan. 2013)

14-139. Radnor Lake Natural Area Impact Zone. The Radnor Lake State Natural Area is identified as a unique natural resource for the use and enjoyment of the citizens of Oak Hill and the larger metropolitan area and is worthy of special protection. Therefore, the Radnor Lake Natural Area Impact Zone is hereby recognized and established as a part of this ordinance. The Radnor Lake Natural Area Impact Zone ("impact zone") includes all areas determined as having a visual and/or watershed impact on the natural area and is delineated on the city zoning map. Said map is adopted by reference and available in the office of the city manager. The applicant shall pay, as adopted by board of commissioners resolution, for review by the planning commission for the Radnor Lake Impact Ordinance or in connection with the steep slope ordinance.

(a) Site plan required. No building permit shall be issued for any lot in the impact zone until a site plan meeting the following requirements has been approved by the planning commission. Said site plan shall show:

- (1) The exact size, shape, and location of the lot, and the existing drainage pattern,
- (2) The proposed location of all buildings, driveways, and drainage ways,
- (3) The type and location of erosion control methodology,
- (4) Contours at vertical intervals of no more than five feet (5'),
- (5) The extent of natural tree cover and vegetation,
- (6) The location of any on-site soil absorption sewage disposal system,
- (7) The exact area where any natural vegetation is proposed to be removed,
- (8) The size, type, and height of all buildings proposed to be constructed.

(b) Development standards. The following standards shall be used as a guide for builders, developers, property owners, and the planning commission in minimizing the impact on the natural area:

- (1) The clearing of trees and vegetation shall be limited to the area required for driveways, turnarounds, the house site, and a reasonable area around the house for landscaping purposes for all areas within the Radnor Lake Natural Area Impact Zone. The intent here is to limit visibility from the natural area to any structure. The planning commission may require replacement of removed trees up to the caliper inches removed.

- (2) The site for the house shall be situated so that ridgelines and down slopes to the natural area are avoided to the maximum extent possible.

- (3) Erosion control measures shall be employed to prevent all soil material from leaving the site. Additionally, all aspects of the Metropolitan Nashville Storm Water Management Ordinance shall apply as appropriate.

- (4) The maximum height of any building shall not extend more than forty feet (40') above the ground level at any point.

(c) Subdivision review requirements. Any development occurring within the Radnor Lake Impact Zone which is a subdivision as defined by the Oak Hill Subdivision Regulations shall be required to observe the following provisions, which are supplemental to the other regulations:

- (1) Road locations shall be situated so as to minimize to the maximum extent possible any visibility from the lake or trails.

- (2) Erosion control measures shall be employed to prevent all soil materials from entering the natural or man-made drainage ways which are located within the Radnor Lake watershed. This shall be required as a part of the preliminary plat approval process, and certification as to the effectiveness of the erosion control measures shall be required of the design engineer.

(3) Cutting trees and removal of the natural vegetation shall be discouraged and limited to the subdivision roadways and required slopes. Individual lots shall be subject to the requirements in § 14-139(b) above. (Ord. #12-16, Jan. 2013)

14-140. Opening or extension of streets. No public street, alley, roadway or right-of-way shall be opened, extended, blockaded, accessed or otherwise changed except upon approval of the planning commission except as otherwise provided as a temporary measure and approved by the city manager or designee. (Ord. #12-16, Jan. 2013)

14-141. Lighting - dark sky regulations. (a) Purpose.

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

(b) Lighting fixtures. All outdoor lighting fixtures (luminaires) shall be installed in conformance with this regulation and with the provisions of the building code, and the electrical code, as applicable and under permit and inspection, if such is required. Lighting attached to single-family home structures shall not exceed the height of the eave. Residential pole height restrictions can be considered to control light trespass onto adjacent properties.

(c) Lighting standards.(1) Maximum lamp wattage and required luminaire or lamp shielding: All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of one hundred (100) watts incandescent, and twenty-six (26) watts compact fluorescent for residential lighting (or approximately one thousand and six hundred (1,600) lumens).

(2) Light shall be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

(3) All site lighting shall be shielded so that substantially all directly emitted light falls within the property line. No illumination in excess of one-half (1/2) foot candle shall be permitted across the boundary of any adjacent residential property or a public right-of-way.

(4) No illumination shall produce direct, incident or reflected light that interferes with the safe movement of motor vehicles on public streets. Lighting prohibited by this provision shall include, but not be

limited to any light that may be confused with or construed as a traffic-control device.

(d) Illumination of outdoor sports fields, courts, and performance areas. In addition to the requirements above, the lighting of outdoor sports fields, courts, and performance areas shall comply with the following standards:

(1) All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices), and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area; and

(2) The lighting system for any game or event shall not be operated when such fields, courts or areas are not being used, and in no event between the hours of 11:00 P.M. and 6:00 A.M.

(e) Lighting that is exempt from these regulations. (1) Lighting in swimming pools and other water features governed by article 680 of the *National Electrical Code*.

(2) Exit signs and other illumination required by building codes.

(3) Lighting for stairs and ramps, as required by the building code.

(4) Holiday and temporary lighting (less than thirty days use in any one (1) year).

(5) Low voltage landscape lighting, but such lighting shall be shielded in such a way as to eliminate glare and light trespass. (Ord. #12-16, Jan. 2013)

REGULATIONS GOVERNING NONCONFORMING USES, BUILDINGS OR STRUCTURES AND LOTS (NONCONFORMITIES)

Nonconformities

14-142. Purpose; classifications. In the provisions established by this ordinance, there exist uses of land, buildings, structures, lots of record and signs that were lawfully established before this ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this section is to regulate the continued existence of those uses, buildings, structures, lots, and signs that do not conform to the provisions of this ordinance, or any amendments thereto. Nonconformities are classified as either:

- (a) Nonconforming uses,
- (b) Nonconforming buildings or structures, or
- (c) Nonconforming lots.

Under certain circumstances more than one (1) of the above classifications may apply. Nonconformities are allowed to continue, expand and reconstruct in accordance with the requirements of this section. The burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located. (Ord. #12-16, Jan. 2013)

14-143. Nonconforming uses. Nonconforming uses may be continued subject to the following:

(a) A nonconforming use may be changed to a conforming use in accordance with the requirements in this ordinance, but in no event shall a nonconforming use be converted to another nonconforming use or replace an abandoned or discontinued nonconforming use. If a nonconforming use is changed to or replaced by a conforming use, the prior nonconforming use shall be prohibited.

(b) If a nonconforming use is abandoned or discontinued for a continuous period of one (1) year, the nonconforming use shall be prohibited. Operation of only an accessory use to the principal nonconforming use during the time of abandonment or discontinuance of the nonconforming use shall not constitute continuation of the principal nonconforming use.

(c) A nonconforming use or structure housing a nonconforming use shall not be expanded in area, extended, enlarged, or altered except as expressly permitted herein.

(d) A nonconforming use damaged by casualty may be continued provided that the use has not been discontinued or abandoned. (Ord. #12-16, Jan. 2013)

14-144. Nonconforming structures. Nonconforming structures may be allowed to continue and remain and be used subject to the following:

(a) Where a nonconforming structure houses a nonconforming use, the regulations for nonconforming structures and nonconforming uses shall both apply. In case of conflict, the rules for nonconforming uses shall prevail.

(b) A nonconforming structure may continue as it existed when it became nonconforming, as long as it is maintained in its then-structural condition. Nonconforming structures may be expanded or redeveloped in accordance with § 14-146, expansion, alteration, or major repair, but in no event shall a nonconforming structure be expanded, or altered in a way that increases the degree of nonconformity. For example, a structure that is nonconforming with respect to a side yard setback may be expanded within the setback so long as the new portion of the structure is not built any closer to the side lot line than the existing nonconforming structure.

(c) Governmental acquisition of a portion of a lot for public purpose that results in reduction in a lot size or that creates an encroachment of a setback line by an existing structure shall not render the structure nonconforming.

(d) A nonconforming structure damaged by casualty shall not be restored to its condition prior to casualty, and shall meet all provisions of this ordinance, unless the necessary variances or modification of standards are obtained. (Ord. #12-16, Jan. 2013)

14-145. Nonconforming lots. No use or structure shall be established

on a lot of record that does not conform to the standards established in this ordinance, except in accordance with this subsection.

(a) This subsection shall not be construed to prohibit the development of any non-conforming lot of record prior to the effective date of this ordinance provided the development conforms to all other requirements of the ordinance.

(b) Governmental acquisition of a portion of a lot for a public purpose that results in a reduction in lot width and/or lot area below that required by this ordinance shall not render the lot nonconforming. (Ord. #12-16, Jan. 2013)

14-146. Expansion, alteration, or major repair. In addition to the ability to continue, undertake minor repairs, or perform routine maintenance, nonconforming uses or structures may also add additional facilities, expand existing building footprints, or destroy and reconstruct all or a portion of the nonconformity only as permitted within this subsection. An applicant proposing to enlarge, expand, alter or make major repairs to a nonconforming use or structure shall submit a proposed site plan to the planning commission for review. The planning commission shall not approve the proposed activity unless it finds that the proposed enlargement, expansion, alteration, conversion, or major repair meets the following standards:

(a) The nonconforming use has remained in continuous operation and has not been abandoned;

(b) The nonconforming use is not changing to another nonconforming use;

(c) The nonconformity is not expanding through the acquisition of additional land; and

(d) The expanded, altered, or converted portion of the nonconforming structure does not increase the degree of nonconformity as described in § 14-144(b), complies with all other applicable district regulations, or has obtained the necessary variances. (Ord. #12-16, Jan. 2013)

14-147. Minor repairs and normal maintenance. Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, or lots are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, or lot. For the purposes of this subsection, "minor repair or normal maintenance" shall mean:

(a) Maintenance of safe condition: Repairs necessary to maintain a nonconforming use, structure or lot in a safe condition;

(b) Correction of damage or deterioration: Repairs necessary to correct any damage or deterioration to the structural soundness or interior appearance of a structure without altering the structure; and

(c) Maintenance of land for safety: Maintenance of lot or site areas to protect against health hazards and to promote the safety of surrounding uses. (Ord. #12-16, Jan. 2013)

ADMINISTRATION AND ENFORCEMENT

Appointment and Duties of Chief Enforcing Officer

14-148. Chief enforcing officer. The administration and enforcement of this ordinance is hereby vested with the city manager and/or the duly appointed assistants.(Ord. #12-16, Jan. 2013)

14-149. Duties of city manager. The city manager, or designee, shall enforce this ordinance and in furtherance of said authority shall:

- (a) Issue all building permits and make and maintain records thereof,
- (b) Issue all use and occupancy permits and make and maintain records thereof,
- (c) Conduct inspections of buildings, structures, and the use of land to determine compliance with the provisions of this ordinance,
- (d) Maintain permanent and current records of this ordinance and all amendments hereto,
- (e) Provide information to the public as needed,
- (f) Receive, file, and forward all requests for conditional uses, variances, appeals, and interpretations to the board of zoning appeals, planning commission, or board of commissioners as required in this ordinance. (Ord. #12-16, Jan. 2013)

14-150. Powers of city manager regarding issuance of permits. The city manager, or designee, shall have the power to grant building permits and use and occupancy permits, and make inspections of buildings or premises necessary to enforce this ordinance. It shall be unlawful for the city manager, or designee, to approve any plan or issue any permits or use and occupancy permits for any excavation or construction until he has inspected such plans in detail and found them to conform to this ordinance.

Under no circumstances is the city manager, or designee, permitted to make changes in this ordinance or to vary its terms and provisions. (Ord. #12-16, Jan. 2013)

Building and Use and Occupancy Permits

14-151. Building permits required. (a) No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the city manager, or designee.

(b) No building permit shall be issued until the applicant agrees in writing to construct and/or make repairs to, at applicant's cost, such off-site improvements incidental thereto as the city manager, or designee, may require. The applicant may be required to post a bond payable to the city with good and

sufficient securities in such amount as the city manager, or designee, determines will adequately cover the cost of such improvements or repairs.

(c) A building permit shall expire eighteen (18) months from date of issuance unless construction has commenced and is being diligently pursued at such expiration date at which time an extension may be requested and granted in writing by the city manager or designee.

(d) No grading, filling, stripping, excavation, demolition of existing structures or other disturbance to the natural ground covering of the land shall be commenced until a permit for such work has been issued by the city manager, or designee. If such work is done in connection with the erection of a building or other structure for which a building permit has been issued and said work is also covered by the building permit, then no additional permit is required. (Ord. #12-16, Jan. 2013)

14-152. Required plans for building permits. The city manager, or designee, shall require that all applications for building permits be accompanied by one (1) paper copy and one (1) electronic copy (pdf format) of the plans, specifications and building elevations. Building elevations, floor plans and site plans shall be provided to a scale approved by the city manager or their designee and shall include the following information.

(a) The actual shape, location, and dimensions of the lot, any easements, all setback lines, and the building envelope.

(b) The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.

(c) The existing and intended use of the lot and of all such buildings or other structures upon it.

(d) All covenants from the subdivision plan that apply to the lot shall accompany the site plan.

(e) A description of how unstable soil conditions are to be treated in accordance with these regulations and the final subdivision plat.

(f) Such other information as may be required to determine whether all applicable provisions of this ordinance are being met. (Ord. #12-16, Jan. 2013)

14-153. Use and occupancy permit required. No building or addition thereto constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land shall be used for any purpose until a use and occupancy permit has been issued by the city manager, or designee. No change in a use other than that of a permitted use shall be made until a use and occupancy permit has been issued. (Ord. #12-16, Jan. 2013)

14-154. Application for use and occupancy permit. Every application for a building permit shall be deemed to be an application for a use and occupancy permit. Every application for a use and occupancy permit for a new use of land where no building permit is required shall be made directly to the city manager, or designee. (Ord. #12-16, Jan. 2013)

14-155. Issuance of use and occupancy permit. The following shall apply in the issuance of any use and occupancy permit. (a) Permits not to be issued: No use and occupancy permit shall be issued for any building, structure or part for the use of any land which is not in accordance with the provisions of this ordinance.

(b) Permits for new use of land: Any new use of vacant land or different use of an existing use of land shall first obtain a use and occupancy permit for the new or different use.

(c) Use and occupancy permits for existing buildings: Use and occupancy permits may be issued for existing buildings, structures or parts thereof, or existing uses of land, if after inspection it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this ordinance.

(d) Temporary use and occupancy permits: Nothing in this ordinance shall prevent the issuance of a temporary use and occupancy permit for a portion of a building or structure in process of erection or alteration, provided that such temporary permit shall not be effective for a time period in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this ordinance.

(e) Permits for accessory structures: Structures accessory to primary structures shall require separate permits unless included in the use and occupancy permits for the respective dwelling when shown on the site plan and when constructed at the same time as such dwelling. (Ord. #12-16, Jan. 2013)

14-156. Records of use and occupancy permits. A record of all use and occupancy permits issued shall be kept on file in the office of the city manager, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved. (Ord. #12-16, Jan. 2013)

14-157. Final inspection. No use and occupancy permit for a building, structure or an addition thereto constructed after the effective date of this ordinance shall be issued until construction has been completed and the premises inspected and certified by the city manager, or designee, to be in conformity with the plans and specifications upon which the building permit was based. (Ord. #12-16, Jan. 2013)

14-158. Remedies and enforcement. (a) Penalties for violation. Any person violating any provision of this ordinance or failing to comply with any of its requirements (including violations of conditions established in connection with grants of variances or conditional uses) shall be subject to penalties under the general penalty provisions of the Oak Hill Municipal Code. Each day a violation continues shall constitute a separate violation, punishable by an additional penalty.

(b) Remedies. In addition to the penalties set forth herein, if in the judgment of the city manager the penalty provision of this ordinance is not an adequate remedy sufficient to protect the public health, safety and welfare or to ensure compliance with the ordinance, he may direct the city attorney to initiate an action for injunctive relief, a mandamus or other appropriate legal action to prevent such violations. This subsection shall include, but not be limited to, cases where a building or other structure is proposed to be constructed or altered or where a structure or land is or proposed to be used in violation of this ordinance. (Ord. #12-16, Jan. 2013)

14-159. Deleted. (as added by Ord. #O-16-11-01-90, Nov. 2016, and deleted by Ord. #O-19-04-01-55, April 2019 *Ch1_11-10-20*)

CHAPTER 2

BOARD OF ZONING APPEALS

SECTION

- 14-201. Creation; appointment; terms.
- 14-202. Rules of procedure.
- 14-203. Powers.
- 14-204. Appeal of administrative decisions.
- 14-205. Application for variances, notice of hearing, fee.
- 14-206. Standards for variances.
- 14-207. Nonconformity does not constitute grounds for granting of a variance.
- 14-208. Prohibition of use variances.
- 14-209. Conditions and restrictions by the board of zoning appeals.
- 14-210. Conditional use permits.

14-201. Creation; appointment; terms. A Board of Zoning Appeals (BZA) is hereby established in accordance with *Tennessee Code Annotated*, § 13-7-205. The board of zoning appeals shall consist of five (5) members appointed by and serving at the will of the mayor. The term of membership shall be three (3) years. Any vacancies on the BZA shall be filled by appointment of the mayor for the unexpired term. (Ord. #12-16, Jan. 2013, modified)

14-202. Rules of procedure. The board of zoning appeals shall elect a chairman and vice-chairman who shall preside in the chairman's absence. All meetings of the board shall be open to the public. The board shall adopt by-laws and rules of procedure consistent with this chapter. The city shall attempt to notify all property owners within two hundred fifty feet (250') of the boundaries of the subject property at least ten (10) days prior to the hearing at which the application will be considered. The presence of three (3) members of the board shall constitute a quorum and the concurring vote of three (3) members of the board shall be necessary to reverse or modify any order, requirement, or decision of the building inspector or to decide in favor of the appellant on any matter upon which the board is required to pass, and to that end the board shall have all the powers of the officer from whom the appeal is taken and it may issue or direct the issuance of a permit. (Ord. #12-16, Jan. 2013, modified)

14-203. 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 or enforcement of any provision of this chapter;

(2) Conditional use permits and review. To hear and decide applications for conditional use permits (special exceptions) upon which the board of zoning appeals is specifically authorized to pass and to review;

(3) Variances. To hear and decide applications for variance from the terms of this chapter, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of the provisions of this chapter was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or condition of a piece of property the strict application of the provisions of this chapter 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 detriment to the public good and the intent and purpose of this chapter. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning. 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 chapter. Before any variance is granted it shall be shown that circumstances are attached to the property which does not generally apply to other property in the neighborhood; and

(4) Boundary lines. To interpret the zoning map and decide disputed questions of zoning district boundaries lines. (Ord. #12-16, Jan. 2013)

14-204. Appeal of administrative decisions. (1) This subsection sets out the procedure to follow when a person claims to have been aggrieved or affected by an administrative decision of the city manager, building inspector, or other administrative official. Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by an administrative official of the city charged with the administration or enforcement of this chapter.

(2) An appeal pursuant to this subsection shall be initiated by filing a written appeal of the administrative decision or determination within thirty (30) days of the date of the order, decision, determination, or interpretation with the city manager. Upon receiving the written appeal of the administrative decision or determination, the city manager shall gather and transmit to the BZA the written appeal and all papers, documents, and other materials relating to the order, decision, determination, or interpretation that is appealed to the BZA. This material shall constitute the record of the appeal. The BZA shall review and make a decision on an appeal in accordance with this chapter, state law, and the BZA by-laws.

(3) An order, decision, determination, or interpretation shall not be reversed or modified unless there is competent material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this chapter, state law, or the federal or state constitutions. (Ord. #12-16, Jan. 2013)

14-205. Application for variances, notice of hearing, fee. Prior to the submittal of the written variance application, the property owner or designated agent shall meet with the city manager, or designee, to confirm the required application information and exhibits. A written application for a variance shall be filed with the board of zoning appeals by the property owner or designated agent on forms provided by the city manager or his/her designee, and the application shall contain information and exhibits as determined at the pre-application meeting. No more than fifteen (15) business days after the filing of the application, the applicant or designated agent will be notified of the completeness of the application and related information and exhibits. Upon determination of completeness of the application and related information and exhibits, the application will be reviewed by the city manager, or designee. Within thirty (30) business days of the completeness determination, the city manager, or designee, shall prepare a report of the findings of the review and schedule the application for the next available board of zoning appeals hearing, unless otherwise withdrawn or postponed by written request by the applicant. The city manager, or designee, shall publish the notice of the hearing of the board of appeals as required by this chapter.

A fee, adopted by resolution of the board of commissioners, payable to the city shall be charged to cover review and processing of each application for a variance, except that the fee may be waived by the city manager or board of commissioners for a governmental agency. (Ord. #12-16, Jan. 2013, modified)

14-206. Standards for variances. The board of zoning appeals shall not grant a variance unless it makes findings based upon evidence presented to it as follows.

(1) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this chapter were carried out must be stated;

(2) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

(3) The variance will not authorize activities in a zone district other than those permitted by this chapter;

(4) Financial returns only shall not be considered as a basis for granting a variance;

(5) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this chapter;

(6) That granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same districts;

(7) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(8) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

(9) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area. (Ord. #12-16, Jan. 2013)

14-207. Nonconformity does not constitute grounds for granting of a variance. Nonconforming uses of lands, structures, or buildings in the same or other districts shall not be considered grounds for the issuance of a variance. (Ord. #12-16, Jan. 2013)

14-208. Prohibition of use variances. Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district. (Ord. #12-16, Jan. 2013)

14-209. Conditions and restrictions by the board of zoning appeals. The board of zoning appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this chapter. The board of zoning appeals may establish expiration dates as a condition or as a part of the variances. Unless specifically established by the board of zoning appeals, all variances for proposed construction shall expire within one (1) year of approval, unless construction is commenced and is being diligently pursued at such expiration date. (Ord. #12-16, Jan. 2013)

14-210. Conditional use permits. (1) Authority. The Board of Zoning Appeals (BZA) may hear and decide, in accordance with the provisions of this chapter, requests for conditional use permits. For the purposes of administration of this chapter, conditional uses shall be construed as synonymous with special exceptions, as controlled by *Tennessee Code Annotated*, § 13-7-206.

(2) Application for conditional use permit; fee. Application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the city manager or designee on forms provided by the city. All applications shall contain such information and exhibits as may be required for a building permit under §§ 14-251, *et seq.*, and as is otherwise required for a particular use in this chapter. Not more than sixty (60) days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. The

city shall publish notice of the hearing as required by this chapter. Applicants for conditional use permits shall pay the city a fee, in an amount to be determined by resolution of the board of commissioners, to defray the cost of review, processing, and hearing each application, except that the fee may be waived by the board of commissioners for applications submitted by any government agency.

(3) Requirements for conditional use permit. General requirements are hereby established which shall apply to all applications for conditional use permits. In addition, certain specific standards listed shall apply for the different allowable uses. The BZA may impose such other conditions and restrictions upon the premises benefitted by a conditional use permit as may be necessary to reduce or minimize the injurious effect of such conditional uses upon and ensure compatibility with surrounding property and to protect the public health, safety, and welfare. The BZA may establish dates for the expiration of any conditional use permit as a condition of approval.

(4) General requirements. A conditional use permit shall be granted by the BZA only after the applicant has demonstrated, and the BZA has determined, that all of the following required standards are met:

(a) The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use set forth in this chapter. Any accessory use to a conditional use must receive express approval by the BZA;

(b) The proposed use is so located, designed, and proposed to be operated so as not to endanger the public health, safety, and welfare; and

(c) The proposed use is necessary for the public convenience.

(5) Specific standards for public schools. (a) No such facilities shall be permitted unless the lot upon which it is to be located contains the minimum recommended acreage by the State Department of Education, but in no case shall the lot contain less than six (6) acres. Said lot shall have a minimum of two hundred eighty feet (280') of frontage on a public right-of-way.

(b) The traffic generated by such facility can be safely accommodated along the streets giving access to the site. The applicant shall be required to submit a traffic impact study, prepared by a licensed traffic engineer.

(c) The location and design of such facilities shall not have an adverse effect upon surrounding properties.

(d) The off-street parking requirements set forth in §§ 14-235 and 14-236 can be met. No more than twenty-five percent (25%) of the total parking spaces may be located in the front yard, and the parking lots may encroach into the front setback by no more than thirty percent (30%) of the setback requirement. The parking lots may encroach into the side and rear setbacks by no more than fifty percent (50%) of the setback requirement.

(e) All front, side, and rear yards shall be equal to two (2) times the yard requirements for the zoning district in which the public school is to be located.

(I) The height of all buildings shall not exceed sixty feet (60'); steeples, copulas, and similar architectural treatments may exceed the height of the building by no more than fifty percent (50%) of the height of the primary structure.

(ii) The parking lot for such facilities shall not exceed twenty-five percent (25%) of the total lot area to be utilized.

(6) Specific standards for private schools. The Board of Commissioners of Oak Hill have determined as a matter of policy that a private school does not make the same contribution to public welfare and are not regulated in the same manner as public schools, and therefore, no private school shall be permitted unless it meets the following requirements in addition to the requirements for public schools and other conditional uses:

(a) Said school is a nonprofit, educational school holding a general welfare charter from the State of Tennessee;

(b) Said school is held to be exempt from payment of taxes to the federal government, State of Tennessee, Davidson County, and Oak Hill;

(c) Said school is a grade school divided into successive grades and is similar to and conducted in the manner of a public grade school; however, pre-kindergarten or nursery schools may be permitted as an accessory use when said school meets the requirements of this chapter;

(d) Said school is constructed, conducted, maintained, and operated in accordance with the requirements of this chapter as to construction, maintenance, operation, health and safety provisions, etc.;

(e) No private school conducted as a riding school, swimming school, art school, boarding school, trade school, or school of any other kind other than a grade school of the nature herein defined and conducted similar to a public school shall be permitted to exist or operate in Oak Hill;

(f) The site on which the school is located contains at least two (2) acres for each fifty (50) pupils of anticipated enrollment; provided, that the property contain a minimum of six (6) acres of land for any combination of grades one through eight (1–8), and eight (8) acres for any combination of grades seven through twelve (7–12), and ten (10) acres for any twelve (12) grades school. Said site shall have a minimum of two hundred eighty feet (280') of frontage on a public right-of-way of a major street as shown on the official street classification plan;

(g) The off-street parking requirements set forth in §§ 14-235 and 14-236 can be met. No more than twenty-five percent (25%) of the total parking spaces may be located in the front yard, and the parking lots may encroach into the front setback by no more than thirty percent (30%) of the setback requirement. The parking lots may encroach into the

side and rear setbacks by no more than fifty percent (50%) of the setback requirement;

(h) All front, side, and rear yards shall be equal to two (2) times the yard requirements for the zoning district in which the public school is to be located;

(I) The school and all facilities are connected to the public sewer system;

(j) All plans and specifications for construction, establishment, and operation of a private school shall be approved by the city manager or designee as a part of the conditional use permit and said plans shall show future expansion, and a map showing the proposed location of the building(s), and the city manager or designee must approve all preliminary and final plans and specifications, and any change orders or alterations which affect space allotment, structure, or health and safety. Where new facilities are to be constructed, the city manager, or designee shall make such inspection as may be deemed necessary during construction of buildings to determine whether school facilities are being constructed in conformance with the approved final plans and building codes;

(k) All buildings shall meet all the requirements and standards for construction, repair, and equipment of public school buildings and operation of same established by the Tennessee State Board of Education governing new sites, new building, major repairs, and equipment for public schools, including any subsequent amendments to said regulations, and said requirements, rules, and regulations are referred to and made a part of this chapter as fully as though copied herein; and

(l) The parking lot for such facilities shall not exceed twenty-five percent

(7) Specific standards for churches. (a) Churches shall not be permitted unless the lot upon which it is to be located contains a minimum of six (6) acres. Said lot shall have a minimum of two hundred eighty feet (280') of frontage on a public right-of-way.

(b) The location, size, and design of the proposed church facilities shall be situated so that they are compatible with the surrounding area, thus reducing the impact upon such area; all structures shall be required to provide a front, side, and rear yard equivalent to two (2) times the requirement of the zoning district in which the church is proposed.

(c) Church facilities shall be allowed to be located only on major streets as shown on the official street classification plan.

(d) All bulk regulations of the district shall be met; provided, the height of all structures shall not exceed sixty feet (60'); provided further, steeples, copulas, and similar architectural treatments may exceed the height of the building by no more than fifty percent (50%) of

the height of the primary structure. Provided further, that for any church situated upon a lot of at least thirty (30) acres, the following requirements shall apply to each church structure situated more than two-hundred fifty feet (250') from the nearest lot line. The height of steeples, copulas, and similar architectural treatments shall not exceed one hundred twenty feet (120') above the roof of the structure upon which such treatments are built.

(e) The off-street parking requirements set forth in §§ 14-235 and 14-236 can be met. No more than twenty-five percent (25%) of the total parking spaces may be located in the front yard, and the parking lots may encroach into the front setback by no more than thirty percent (30%) of the yard requirement. The parking lots may encroach into the side and rear setback by no more than fifty percent (50%) of the setback requirement.

(f) The parking lot for such facilities shall not exceed twenty-five percent (25%) of the total lot area to be utilized. (Ord. #12-16, Jan. 2013)

(8) Specific standards for public facilities, including public utility facilities. All public facilities, including public utility facilities must comply with the following requirements.

(a) Such facilities are for a public service corporation or for public utility purposes which are necessary for the public necessity, convenience, and welfare.

(b) Such facilities are located in such a manner that will protect the character of the neighborhood where it is to be situated.

(c) All bulk regulations of the district shall be met.

(d) The off-street parking requirements of this chapter shall apply, unless otherwise approved by the board of zoning appeals.

(e) The off-street parking requirements set forth in §§ 14-235 and 14-236 can be met. No more than twenty-five percent (25%) of the total parking spaces may be located in the front yard, and the parking lots may encroach into the front yard by no more than thirty percent (30%) of the yard requirement. The parking lots may encroach into the side and rear yards by no more than fifty percent (50%) of the yard requirement.

(9) Specific standards for non-profit historic properties. (a) Uses. In addition to existing and agricultural uses permitted by applicable state and local law, properties meeting the requirements and standards set out below may be approved as conditional uses by the Board of Zoning Appeals (BZA) for some or all the following specific non-residential uses.

(I) Educational and cultural. The property may be used for educational and cultural purposes such as field trips, historical tours, seminars, classes, music events and workshops, summer camps, lectures, artists' workshops and exhibits, subject to such

conditions as the BZA may impose, including but not limited to, class/participant size(s), days/hours of operation, parking requirements, and traffic control.

(ii) Special events:

(A) The property may be used for weddings, private parties, meetings and retreats, provided that there shall be no overnight accommodations to guests. The property may also be used from time to time for public and private opportunities for visits and tours of the property and house and for special events such as garden tours and seasonal and holiday events. All such special events shall be subject to such conditions as the BZA may impose including, but not limited to, the frequency of events, event size, days/hours of events, parking, and traffic control.

(B) Incidental to and as part of up to twelve (12) such special events annually, artisans may sell arts and crafts or local participating farmers may sell agricultural products. The total number of such artisans or local participating farmers selling products shall not exceed thirteen (13) at any such special event. Local participating farmers shall mean those who farm on and are selling agricultural products grown or produced on property located in Davidson County or Williamson County or on property in Tennessee preserved through conservation easements established by the Tennessee non-profit corporation that owns and operates the subject property as provided for in subsection (b) herein.

(iii) Photography and film sets. The property may be used for photo and video shoots, including portrait photography, music videos, and films, subject to such conditions as the BZA may impose, including, but not limited to, days/hours that such use is permitted, and additional noise, lighting, and/or parking restrictions.

(iv) Office and other incidental uses. The property may be used for office space for the property owner only and for other uses clearly incidental to the above, subject to such conditions as the BZA may impose, including, but not limited to, days/hours of operation, additional parking, and traffic control.

(b) Requirements. If at any time a property receiving a conditional use permit to operate as a non-profit historic property pursuant to this section fails to meet any of the following requirements or any conditions imposed by the board of zoning appeals, all uses of the property not otherwise allowable by right shall immediately cease.

(I) Said property shall be owned and operated by a Tennessee non-profit corporation and shall qualify for tax exempt status under § 501(c)(3) of the Internal Revenue Code;

(ii) Said property shall be at least fifty (50) acres in size, which may not be subdivided;

(iii) Said property shall be listed on the National Register of Historic Places;

(iv) Said property shall be located on and have safe, primary access to a major thoroughfare; and

(v) All net revenue generated by the non-profit corporation from use of the property shall be used exclusively for the maintenance, management, upkeep, repair, and continued operation of the property.

(c) Impact of parking on property. The property shall be used and maintained in a manner intended to regulate the impact of parking on the property. The maximum number of visitors on the property for one (1) event is five hundred (500), except for the "excluded events" As used herein, "excluded events" shall be events held no more than three (3) times per calendar year and may include more than five hundred (500) visitors but no more than two thousand (2,000) visitors. The property owner must provide at least twenty-one (21) days prior notice to the city of "excluded events", such notice to include at a minimum, the date of the event, a brief description of the event, the anticipated number of visitors the duration of the event, and a parking/entrance/egress plan.

(d) Amplified sound. There shall be no amplified sound coming from the property and audible outside the boundary lines of the property after 10:00 P.M. (Nashville time).

(e) Special provisions regarding office use. Any permitted office use shall be limited to offices within existing structures on the property.

(10) Site plans for conditional uses. (a) Prior to submittal of a conditional use permit application and site plan, the property owner or designated agent shall meet with the city manager, or designee, for a pre-application meeting to determine the required information and graphics for the site plan including any additional studies which may be required, such as a traffic impact study, photometric plan, and/or a specific study to effectively evaluate the potential impacts of the proposed structures and use.

(b) All applications for a conditional use permit shall be accompanied by a site plan and any additional information that may be requested during pre-application meeting with sufficient copies for staff and the Board of Zoning Appeals (BZA). Such site plan shall be a scale drawing that shows the actual boundary of the site, the shape, size, and location of all buildings proposed to be built, the general layout of the parking and driveway areas, the general means proposed for disposal of

storm water from the site, the limits of any floodplain, architectural elevations sufficiently detailed to indicate the appearance and scale of the building. The applicant shall also submit a narrative description of the project to enable the BZA to evaluate the potential impact of operations of the facility upon the area in which it is to be located. The BZA may approve the conditional use of the plan as submitted, reject the request for reasons stated, require additional information to enable the BZA to make an informed decision, or include additional requirements in order to receive approval.

(c) After review and approval by the BZA, a site plan meeting the requirements listed below shall be submitted to the Planning Commission for review and approval or denial. The approval of any site plan for a conditional use shall lapse after a period of six (6) months after the date of the action by the Planning Commission if construction has not been initiated, and new submission will be required meeting all zoning requirements including amendments since the original approval. The city manager, or designee, may grant up to two (2), three (3) month extensions.

(d) All site plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g., site layout and drainage by civil engineers, boundary surveys by surveyors, landscape plans by landscape architects). Such site plans shall be accompanied by a "site plan checklist" which is available at the city offices.

(e) All site plans shall indicate:

(I) The actual shape, location, bearings, and dimensions of the lot;

(ii) The shape, size, and location of all buildings or other structures to be erected, constructed, altered, or moved, and of any building or other structures already on the lot;

(iii) Preliminary, then detailed building plans showing front, rear, and side elevations including materials proposed to be used on the building and the percentage of each material used on each elevation;

(iv) Preliminary, then detailed landscaping plans which shall include trees, shrubs, and flowering plants with species, quantities and sizes clearly indicated; also, a lighting plan which shows the photometric data will be provided;

(v) Existing and proposed contours field run at no greater than two foot (2') intervals based on sea level; cut/fill data should be shown on a chart;

(vi) Location, layout, and design of total impervious area square footage for all driveways, walks, and parking facilities;

(vii) Locations, use, and type of turf of all open space;

(viii) Ground coverage of all buildings, floor area of all floors, and building heights;

(ix) Location and sizes of all existing and proposed utilities (storm sewers, sanitary sewers, water mains, and fire hydrants);

(x) Proposed means of surface drainage including spot elevations to assure positive drainage, drainage calculations for the site, capacities of downstream drainage structures that will be affected and storm water detention facilities as needed. (Analyses should be based on the 25-year storm with consideration also being given to the capability of the proposed systems to control the 2-year storm);

(xi) Location, type, and details of all signs, and any proposed changes;

(xii) Location of all easements, rights-of-way and building and parking setbacks;

(xiii) For any site subject to flooding, the limits of floodway and flood fringe areas, the regulatory flood elevation, the regulatory flood protections elevation, and the minimum first floor elevation;

(xiv) Location and type of temporary erosion control measures;

(xv) Detailed drawings of headwalls, end wall, ditch sections, curbs and pavement sections, retaining walls, and other site features;

(xvi) A site data table indicating square footage and percentages of the total area of the building footprint, parking areas, driveways and sidewalks; and

(xvii) For churches and schools, the site plan shall also indicate any future potential buildings and facilities. This may be represented as a conceptual master plan.

(f) Prior to the issuance of any building permit of any building approved by the conditional use permit, a letter of credit, bond, or cash deposit, whichever is required by the city, shall be posted to cover the cost of installing all landscape materials and all site drainage features. Said bond, letter of credit, or cash deposit shall be released upon completion of the improvements, final inspection and issuance of the use and occupancy permit. In the event of default on the project or a stop of construction for a period of time in excess of forty-five (45) days, the city manager, or designee, may, after notification to the owner and general contractor, utilize the proceeds of the bond, letter of credit, or cash deposit to restore the disturbed area of the site to an acceptable condition.

(g) No use and occupancy permit for a building, structure, or an addition thereof, as approved in a conditional use permit, constructed

after the effective date of this amendment, shall be issued until construction of the building and on-site improvements have been completed and inspected by the city manager, or designee, and any building inspectors, as appropriate. Additionally, the licensed professional that prepared the plans shall certify to the city manager, or designee, that the final construction including all site improvements is in conformity with the plans and specifications which were approved and upon which the conditional use permit was based.

(h) If any section, clause, provision, or portion of this chapter is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion, of this chapter which is not invalid or unconstitutional.

(I) In case of conflict between this chapter or any part thereof and the whole or part of any existing or future ordinance of the City of Oak Hill, the most restrictive shall apply in all cases.

(11) Traffic impact analysis requirements. (a) A proposed conditional use which is required by the city manager, or designee, to submit a traffic impact analysis must adhere to the following.

(b) A traffic impact analysis methodology meeting with the city manager, or designee, to determine the traffic impact analysis requirements necessary based upon the scope of the proposed project. The traffic impact analysis requirements may be modified by the city manager, or designee. At a minimum, the traffic impact analysis will include a project address or project location description, a property control or folio identification number, the project acreage, a list of specific uses, densities, and intensities, any proposed phasing, the owner and agent contact information, and the traffic impact analysis as required.

(I) The traffic impact analysis shall be certified by a registered professional engineer.

(ii) The traffic impact analysis shall include the following minimum analysis as well as any additional analysis identified at the methodology meeting:

(A) Trip generation: A.M./P.M. peak hour analysis, internalization, and pass-by capture rates;

(B) Trip assignment: may be determined utilizing accepted professional traffic engineering trip assignment, as approved by the city manager or designee;

(C) Access analysis including driveways, turn lanes, and signalized intersections within a half (1/2) mile of the project location;

(D) Analysis of all signalized intersections on links that provide direct access to the project site and which have an impact of at least two percent (2%) of the level of service;

(E) Other analysis techniques proposed must be substantiated by the applicant and found by the city manager, or designee, to be acceptable; and

(F) Peak trip generation and pass-by assumptions may be adjusted if the assumptions are submitted by the applicant and found by the city manager, or designee, to be acceptable. The applicant may demonstrate that effective measures will be employed that will cause the peak traffic generation and pass-by characteristics of the proposed development to be significantly different than the normal project of the same type on which the peak trip generation and pass-by factors are based.

(iii) A development's impact on the roadway system shall be determined by using the trip generation rates set forth in the most recent edition of *Trip Generation* published by the Institute of Transportation Engineers (ITE), Washington, D.C., or other professionally accepted trip generation rates. It shall include evaluation for its direct effect on an arterial or collector roadway adjacent to the point(s) of project access.

(iv) For roadways where an applicable traffic count does not exist or a recent count has not been conducted within one (1) year, the applicant must provide a count certified by a registered professional engineer at the applicant's expense.

(12) Approval. If the BZA determines that all applicable requirements of a conditional use permit are met, it shall approve the conditional use permit subject to any additional reasonable restrictions imposed by the BZA as necessary to protect the public health, safety, and welfare. If an application for a conditional use permit is approved by the BZA, the applicant may then submit the site plan for review by the planning commission within one (1) year of the date of approval by the BZA. Revisions to the site plan not affecting the use of the property, or any conditions imposed by the BZA, may be approved by the planning commission.

(13) Review; fee. Beginning January 1, 2012 and every three (3) years thereafter the city shall inspect each conditional use permit holder's Conditional Use Permit (CUP) property, facilities and activities to determine their compliance with their existing CUP. The inspection will evaluate the existing CUP for changes that may require a new or revised permit. The findings will be presented to the BZA. A fee, adopted by the board of commissioners, payable to the city may be charged to cover the review process of each conditional use permit, except that the fee may be waived by the city manager for a governmental agency.

(14) Modifications. A conditional use permit may not be transferred to another owner and no changes or modifications made to the use of the property subject to the conditional use permit without review and approval of the BZA in

the same manner as set forth herein for the initial approval. However, the site plan changes not affecting the use of the property shall be reviewed by the planning commission and shall not require BZA approval. (Ord. #12-16, Jan. 2013, modified)

CHAPTER 3

PLANNING COMMISSION

SECTION

- 14-301. Creation and membership.
- 14-302. Organization, powers, duties, etc.
- 14-303. Chairperson; rules; appointment.
- 14-304. Adoption of plan.
- 14-305. Compensation.
- 14-306. Plat approval.

14-301. Creation and membership. Pursuant to the provisions of *Tennessee Code Annotated*, §§ 6-19-101 and 13-4-101, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of nine (9) members; one (1) of these shall be the mayor or a person designated by the mayor and one (1) shall be another member of the board of commissioners selected by the board of commissioners; the other seven (7) shall be appointed by the mayor. All members of the planning commission shall be residents of the city. The seven (7) members appointed by the mayor shall serve terms of three (3) years each. The term of the mayor or designee shall run concurrently with the mayor's term of office. The term of the member selected by the board of commissioners shall run concurrently with his or her term of office or until replacement by the board of commissioners. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #12-16, Jan. 2013)

14-302. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, §§ 13-4-101, *et seq.*, and as set forth in this chapter. (Ord. #12-16, Jan. 2013)

14-303. Chairperson; rules; appointment. The planning commission shall elect a chairperson from among its appointed members. The term of the chairperson shall be one (1) year with eligibility for reelection. The planning commission shall adopt rules for the transaction of business which shall include, but not be limited to, the selection of additional officers from among its members it deems appropriate to fulfill the organizational needs of the planning commission, the requirements for the planning commission to make findings of fact, statements of material evidence and reasons for its actions as part of each motion or action of the planning commission and the keeping of a record of its resolutions, transactions, motions, actions, and determinations which shall be a public record. (Ord. #12-16, Jan. 2013)

14-304. Adoption of plan. The planning commission shall make and adopt an official general plan for the physical development of the municipality in accordance with *Tennessee Code Annotated*, §§ 13-4-201, *et seq.* The commission may from time to time amend, extend, or add to the plan or carry any part of subject matter into greater detail as it may deem appropriate. (Ord. #12-16, Jan. 2013)

14-305. Compensation. No member of the planning commission shall receive any compensation for their services as a commissioner. (Ord. #12-16, Jan. 2013)

14-306. Plat approval. The commission shall approve or disapprove a plat within sixty (60) days after the initial consideration of the plat by the commission meeting in a regularly scheduled session, unless at the end of the sixty (60) day period there is a holiday or an unexpected interceding event that would close municipal or county offices and thus affect the normal computation of the sixty (60) day period, in which case the plat shall be approved or disapproved after the interrupted sixty (60) day period at the next regularly scheduled meeting of the commission; otherwise, the plat shall be deemed approved and a certificate to that effect shall be issued by the commission on demand. The applicant for the commission's approval may waive the time requirement set in this section and consent to an extension or extensions of the applicable time period. When a plat has been filed with the appropriate officials of the planning commission, the plat shall be placed on the agenda of the planning commission within thirty (30) days of the filing or the next regularly scheduled planning commission meeting after the thirty (30) day period. The applicant may waive the time frame requirement for the appearance of the plat on the agenda. (Ord. #12-16, Jan. 2013, modified)

CHAPTER 4

FILMING REGULATIONS

SECTION

- 14-401. Definitions.
- 14-402. Permit required for commercial filming; use of city streets and sidewalks.
- 14-403. Application.
- 14-404. Fees; reimbursement costs.
- 14-405. Permit requirements.
- 14-406. General permit conditions; violations; revocation of permit.
- 14-407. Insurance.

14-401. Definitions. (1) "Charitable or student filming," as used in this chapter, means any filming by a nonprofit organization, which qualifies under 501(c)(3) of the Internal Revenue Code as a charitable organization or is an accredited educational institution, and for which no person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.

(2) "Commercial filming," as used in this chapter means and includes all activity attendant to filming any entertainment or advertising programs for a commercial purpose for any media, not including charitable or student films, now known or hereafter created.

(3) "Filming," as used in this chapter, means and includes all activity related to staging or shooting motion pictures, television shows or programs, commercials, video podcasts, still photography or other visual reproduction shall not include the above activities when conducted in a spontaneous or unplanned manner for the purpose of the reporting of news or on current or public events. Unless otherwise expressly provided for herein, filming shall include commercial filming.

(4) "Off-site staging," as used in this chapter, means the use of a property other than the property where the actual filming will occur, to stage vehicles or equipment or for any other purpose associated with filming or making commercial films.

(5) "Private property" as used in this chapter, means any property not owned by the city or another public entity on which filming or making commercial films would not interfere with public right-of-way, access or safety. (Ord. #12-14, Jan. 2013, as replaced by Ord. #O-19-02-01-41, Feb. 2019 *Ch1_11-10-20*)

14-402. Permit required for commercial filming; use of city streets and sidewalks. (1) No person shall conduct or engage in commercial filming

on any property within the city without first obtaining a permit as provide herein.

(2) No person shall use any city street, alley, sidewalk, parkway or other public property owned or controlled by the city for commercial filming and no person shall use any city street, alley or sidewalk for filming in anyway which interferes with or disrupts the public's use of such street, alley or sidewalk, without first obtaining a permit as provided herein from the city manager or his/her designee. (Ord. #12-14, Jan. 2013, as replaced by Ord. #O-19-02-01-41, Feb. 2019 *Ch1_11-10-20*)

14-403. Application. (1) Any person or entity seeking a permit for the temporary use of property for filming or commercial filming shall be required to submit an application for such permit with the city manager or his designee with sufficient advance notice to allow for the appropriate review of the application. If the filming is to take place on public property or if off-site staging is required, such application must be submitted not less than five (5) business days in advance of the proposed filming. The permittee shall also be required to provide proof of notice of such application and/or a "good neighbor letter" to all adjoining property owners of the film site or any off-site staging area property.

(2) Each application shall include the following information:

(a) The name of the property owner and/or the owner's designee, the address and telephone number of the places at which the filming is to be conducted including detailed listing of any public property or streets that may be utilized;

(b) The proposed inclusive hours and dates that filming will take place;

(c) A general statement of the character or nature of the proposed filming (ex. Motion picture, television show, commercial, etc.), including a detailed description of any activities that could potentially affect adjoining properties;

(d) The name, address and telephone number of the person or persons in charge of such filming;

(e) The number of personnel to be involved in the filming within the city;

(f) A list of major equipment to be used, including but not limited to trucks, buses, limousines, generators, honey wagons, lights, booms, cranes and cameras;

(g) A staging plan illustration the placement of all sets and props and all equipment, including generators, and cameras (including booms and cranes);

(h) The address and property owner of any property proposed to be used for off-site staging and a staging plan for such property use, including the proposed route to be used for commuting between the film site and off-site staging property; and

(i) Such additional information as the city manager or his/her designee may reasonably request.

(3) The permit application shall be in a form the city manager or his/her designee may reasonably require. The city manager or his/her designee may refer the application to such appropriate city officials or contractors as are directly impacted by the application and as he/she deems necessary from the nature of the application for review, evaluation, investigation and recommendations by the departments regarding approval or disapproval of the application. The city manager or his/her designee shall act upon the application in a timely fashion and shall approve or disapprove the application or request additional information within a period of not greater than five (5) business days following the date of filing of the application. The applicant shall be immediately notified of the action of approval, denial or revocation of the permit application or permit issue under this chapter. (Ord. #12-14, Jan. 2013, as replaced by Ord. #O-19-02-01-41, Feb. 2019 *Ch1_11-10-20*)

14-404. Fees; reimbursement costs. (1) An application fee in the amount of fifty dollars (\$50.00) shall be required for each application for a temporary filming permit.

(2) A permit fee in the amount of two hundred fifty dollars (\$250.00) shall be required for each temporary filming permit for commercial filming and staging activities conducted exclusively on private property.

(3) A permit fee in the amount of two thousand five hundred dollars (\$2,500.00) shall apply to each application and renewal application for commercial filming and staging activities that involve the use of any public road, sidewalks or other public property.

(4) A renewal fee for temporary filming permits and staging activities conducted exclusively on private property in the amount one hundred dollars (\$100.00) shall apply when there are no substantial changes to the filming and staging activities. Any changes to the activities will require a new application and permit before such activities may be conducted.

(5) The above fees are intended to cover the city's administrative costs in reviewing the applications and monitoring the activities in insure that there is no adverse affect on neighboring or public properties.

(6) No application fee location/lease fee(s) shall be required of charitable or student films or for filming conducted on behalf of the city or any city departments or divisions.

(7) Each permittee filming or making commercial films under this chapter shall reimburse the city for all actual and reasonable costs incurred by city, the amount of which shall be determined by the city manager or his/her designee, for city personnel or equipment provided to or for the permittee for the purpose of assisting or providing security, protection, public safety or other city series to or for the permittee or members of the general public for activities conducted under the permit. In the discretion of the city manager or his/her

designee, permittees may be required to submit a deposit of estimated administrative and/or public safety costs relating to the activities conducted under the permit at the time of issuance thereof. In the alternative, the city manager or his/her designee may determine that permittee is responsible for providing such personnel or equipment for the above purposes. (Ord. #12-14, Jan. 2013, as replaced by Ord. #O-19-02-01-41, Feb. 2019 *Ch1_11-10-20*)

14-405. Permit requirements. (1) The city manager or his/her designee may issue a permit under this chapter if it is determined that the following criteria have been met:

(a) The proposed use will not unreasonably interfere with traffic or pedestrian movement, or unreasonably interfere with or endanger the public peace or rights of nearby residents to the quiet, peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare;

(b) The proposed use will not unduly impede, obstruct or interfere with the operation of emergency vehicles or equipment in our through the permit area, or adversely affect the city's ability to perform municipal functions or furnish city services in the vicinity of the permitted area;

(c) The proposed use will not constitute a fire or safety hazard and all proper safety precautions will be taken as is reasonably necessary to protect the public peace, health, safety or general welfare; and

(d) All other requirements of this chapter have been met.

(2) The city manager or his/her designee shall deny the permit if the conditions of this chapter and all applicable laws and regulations have not been met or if the application contains incomplete or false information.

(3) The city manager or his/her designee may immediately revoke or suspend a permit which has been granted, if the conditions of this chapter and all applicable laws and regulations are no longer being met, if the information supplied by the applicant becomes, or is determined to be, false or incomplete, or if any substantial change in circumstances results in the proposed use becoming detrimental to the public, peace, health, safety or general welfare.

(4) The city manager or his/her designee shall condition the issuance of a permit on such terms and conditions regarding the time, place and manner of utilizing the city streets or other public property, or the use of private property, which he/she determines are necessary and appropriate under the circumstances to protect the public health, safety and welfare of the residents of the city, including to protect the quiet and peaceful enjoyment of their property.

(5) Upon reasonable notice and a showing of good cause by the applicant, the city manager or his/her designee is authorized to change the conditions under which a permit has been issued, provided that the

requirements of this chapter are met and the city can undertake all necessary administrative review within the time requested.

(6) The issuance of a permit hereunder authorizes filming as set forth in the permit; however, nothing herein shall be construed as a waiver of any other ordinance provisions, including but not including, noise restrictions, light limitations, parking restrictions, etc.

(7) Prior and as a condition precedent to the granting of a permit under this chapter each applicant shall agree to indemnify, defend and hold the city, its authorized agents, offices, representatives and employees harmless from and against any and all losses, damages claims, causes of action costs, liabilities, penalties, judgments and expenses, including, without limitation, defense costs and reasonable legal fees, resulting from any and all claims or damage of any nature, including any accident, loss or damage to persons or property which the city may incur and which arise from or related to any activity conducted by permittee or any of its agents, employees, representatives, contractors or consultants in connection with the rights granted in the permit or under this chapter. The form of the indemnification agreement shall be as determined by the city attorney.

(8) Except as provided herein, each applicant must comply with all city, state and federal laws, regulations and ordinances, and must obtain all necessary permits and licenses as a precondition for the commencement of filming hereunder. Thereafter, the permittee shall remain in full compliance with all such city, state and federal laws, regulations and ordinances, permits and licenses throughout the filming or making commercial films. (Ord. #12-14, Jan. 2013, as replaced by Ord. #O-19-02-01-41, Feb. 2019 *Ch1_11-10-20*)

14-406. General permit conditions; violations; revocation of permit. (1) Without limiting the city manager's authority and discretion to impose additional conditions upon any permittee, all applicants granted a permit pursuant to this chapter shall comply with all of the following conditions:

(a) Filming, including staging activities may only occur between the hours of 6:00 A.M. and midnight, Monday through Saturday, provided that the actual shooting or video recording may only occur between the hours of 8:00 A.M. and 10:00 P.M. on such days. No filming shall be conducted on holidays officially observed by the city.

(b) Filming permitted may only occur for ten (10) consecutive days, provided however, that nothing herein shall prohibit an applicant from applying for a permit renewal or a new permit. Filing may only be approved for the same property for not more than forty-five (45) days during any calendar year.

(c) Unless expressly authorized, no vehicles or equipment may be parked on city streets, rights-of-way or public property owned by the city. Unless expressly permitted, no off-site staging may occur on properties located within the city.

(d) In the event that the city manager determines that filming alters, impairs or impacts traffic flow, the permittee must use law enforcement personnel designated by the city manager and his/her designee and comply with all traffic control requirements deemed necessary by the city manager and his/her designee.

(e) The permittee shall conduct operations in a neat and orderly fashion and free of debris with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The area used shall be cleaned of trash and debris upon completion of filming at the scene and restored to its original condition.

(f) The permittee shall be liable for any damage suffered by the city resulting from the granting or use of a permit under this chapter and, at the election of the city manager or his/her designee, shall repair the damage or reimburse the city for all expenses related to such damage.

(g) Any other conditions that the city manager may set in order to protect the health, safety and welfare of the public. (Ord. #12-14, Jan. 2013, as replaced by Ord. #O-19-02-01-41, Feb. 2019 *Ch1_11-10-20*)

14-407. Insurance. (1) As a condition of issuance of a permit hereunder, every permittee must procure and maintain in full force and effect during the term of the permit a policy (or policies) of insurance from an insurance company licensed to do business in Tennessee, which policy (or policies) names the city, its officers, employees and agents as additional insured insuring against any and all liability of permittee with respect to its obligations and liabilities under its permit and this chapter and its indemnities set forth herein, including, but not limited to, commercial general liability insurance on an "occurrence" basis against claims for personal injury, including death, bodily injury or property damage liability and in an amount not less than one million dollars (\$1,000,000.00), and which otherwise provides sufficient coverage that the city manager or his/her designee determines to be necessary and adequate under the circumstances. Proof of insurance in a form acceptable to the city manager shall be submitted to the city in advance of the issuance of the permit. The city manager or his/her designee may waive the requirement of insurance or a particular type of coverage if the city manager or his/her designee determines that the intended use does not present any significant exposure to liability for the city, its officers, employees and agents or to public property damage.

(2) The permittee shall conform to all applicable federal and state requirements for workers' compensation Insurance for all persons operating under a permit.

(3) Surety bond. To ensure cleanup and restoration of the filming location and any public property involved in the filming, the permittee may be required to post a refundable faithful performance bond, cash surety or other comparable form of security guarantee in an amount to be determined by the city manager or his/her designee at the time an application is submitted or

approved. Upon completion of filming and cleanup and restoration of the filming location and any public property involved in the filming to the satisfaction of the city manager or his/her designee, the guarantee or security will be returned to the permittee. (Ord. #12-14, Jan. 2013, as replaced by Ord. #O-19-02-01-41, Feb. 2019 *Ch1_11-10-20*)

CHAPTER 5

SIGN REGULATIONS

SECTION

- 14-501. Purpose of objectives.
- 14-502. Definitions.
- 14-503. Applicability.
- 14-504. Exempt signs.
- 14-505. Prohibited signs.
- 14-506. Nonconforming signs.
- 14-507. Abandonment or destruction.
- 14-508. Design, construction, and maintenance of signs.
- 14-509. Freestanding sign standards.
- 14-510. Wall sign standards.
- 14-511. Temporary sign standards.
- 14-512. Sign permit administration.

14-501. Purpose of objectives. (1) The goal and intent of sign regulations is to preserve and maintain the character of a proud community with historic roots back to the 1780's, whose residents treasure their single-family homes on large, tree-filled lots; and to protect the natural beauty of the residential-only neighborhoods from obtrusive and unsightly signage that would compromise this serene setting; and therefore to develop sign specifications that if left unregulated, can result in visual clutter, confusion for drivers, and interference with the efforts to establish and maintain a desirable community identity.

"Successful urban design involves the encouragement of projects that enhance the physical setting. Streetscape enhancements, including landscaping, street furnishings, public art, and signage can be powerful in establishing a sense of place. Taking a holistic approach to all aspects of the built environment results in a place that many people can benefit from in tangible ways. When a place feels cared for, people enjoy spending time there. In this sense, the issues of urban design in general and sign design in particular are not just aesthetic, but economic as well." Excerpted from *Context-Sensitive Signage Design*, published by American Planning Association, 2001, pp. 40-41.

The overall intent of these regulations is to emphasize that height, size, and design restrictions are narrowly tailored to serve significant government interest; that being traffic safety, aesthetics, and economics, while maintaining a content neutral approach. "The enhancement of pedestrian environments, the creation of attractive gateways, and the strengthening of the overall vitality and image of the community are all helped by adopting a good set of sign regulations" as referenced in the publication of the American Planning Association (2001) entitled *Context-Sensitive Signage Design*.

- (2) The objectives of these regulations are:
- (a) To maintain public safety and traffic safety by ensuring that signs are properly designed, constructed, installed, and maintained;
 - (b) To minimize the distractions and obstructions of view that contributes to traffic hazards and endangers public safety;
 - (c) To protect existing development and promote high standards of quality in new development by encouraging appropriately designed, placed, and sized signage;
 - (d) To provide an effective guide for communication identification through signage while preventing signs from dominating the visual appearance of the areas in which they are located;
 - (e) To preserve important views to other natural features;
 - (f) To set signage in a strong landscaped surrounding to be more visible than a cacophony of uncontrolled messages;
 - (g) To ensure that signage does not detract from the sense that Oak Hill's environment is a continuous landscape;
 - (h) To preserve and enhance the existing city character of Oak Hill while creating a strong sense of city identity and community or "sense of place;" and
 - (I) Encourage the development of good sign regulations for both aesthetic and economic purposes, which enhance the physical setting, encourages people to invest in the local community. (Ord. #11-8, Nov. 2011)

14-502. Definitions. (1) "Abandoned sign." Any sign that identifies or advertises an institution, product, or service that is no longer located on the premises where the sign is displayed.

(2) "Animated sign." Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement.

(3) "Banners, pennants, festoons, and balloons." A sign having characters, letters, or illustrations applied to cloth, paper, or fabric of any kind, with only such non-rigid material for background.

(4) "Building marker." Any sign indicating the name of a building or date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material which is architecturally compatible with the building.

(5) "Canopy sign." Any sign that is a part of, attached to, or made up of an awning, canopy, or other protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

(6) "Changeable copy sign." A sign in which the wording is removable and changeable.

(7) "Construction sign." A temporary sign providing information about development on a site and the parties involved in the project.

(8) "Dilapidated sign." Any sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

(9) "Directional sign." A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site.

(10) "Directory sign." A sign or group of signs attached to a building or freestanding, which identifies the institution, owner, address, or occupation of a group of institutions, but contains no advertising.

(11) "Electronic message display." Any sign that displays still images, scrolling images, or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including cathode ray, Light Emitting Diode (LED) display, plasma screen, Liquid Crystal Display (LCD), fiber optic, or other electronic media or technology.

(12) "Exempt sign." Certain signs listed in this chapter that are exempt from the requirements of obtaining a sign permit.

(13) "Existing sign." Sign existing as of the date of the adoption of this chapter.

(14) "Flag." Bunting or fabric of distinctive color and design and uses as an emblem, standard, or symbol, containing no advertising message, but may include company logos and names, and government flags and which is hoisted on a permanent flagpole.

(15) "Freestanding sign." A sign that is attached to, erected on, or supported by some structure (pole, frame, or other structure) that is not itself part of or attached to a building or other structure whose principal function is something other than to support the sign.

(16) "Front facade." The portion of the structure that faces the road frontage and contains the primary entrance to an institution.

(17) "Height of sign." The vertical distance measured from the lowest adjacent grade below the sign to the highest point of the sign or sign structure.

(18) "Historical type signage." A sign structure that is designed to resemble an historic marker or stand is allowed; provided, however, that the maximum sign height is six feet (6') from the final grade of the property and that the sign structure as constructed does not exceed eighteen inches (18") above the height of the sign.

(19) "Illegal sign." Any sign erected without a permit (excluding exempt signs), any sign that promotes an institution or service that no longer exists, any sign that is considered to be a danger to the general public or any sign not meeting the requirements of this chapter.

(20) "Illuminated sign." Any sign lighted by or exposed to artificial lighting either by lights in the sign or directed toward the sign.

(21) "Incidental sign." A sign whose purpose is to provide information relating to the institution located on the site. No commercial message or logo is allowed on an incidental sign.

(22) "Ingress/egress sign." Incidental signs used to direct traffic onto and from a site.

(23) "Marquee sign." Any sign attached to, or made part of, a permanent roof-like structure that projects beyond a building face and is not supported from the ground.

(24) "Nonconforming sign or sign structure." Any sign or sign structure that legally was erected prior to the adoption this chapter and otherwise does not conform to the requirements of this chapter.

(25) "Ordinance." The Billboards and Sign Ordinance of the city, codified at Title 14, Chapter 5 of the Oak Hill Municipal Code, as amended.

(26) "On-premises sign." Any sign identifying or advertising, person, activity, goods, located on the premises where the sign is installed and maintained.

(27) "Painted wall sign." A sign applied to a building wall with paint and which has no sign structure.

(28) "Political sign." A sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

(29) "Portable sign." A sign designated or intended to be moved easily that is not permanently affixed to the ground.

(30) "Projecting sign." A sign attached to and projecting out from a building face or wall.

(31) "Public right-of-way." Land that is dedicated to a public agency for the purpose of infrastructure, roadway or waterway.

(32) "Real estate sign." A temporary sign that relates to the sale, lease, or rental of property or buildings.

(33) "Roof line." The highest horizontal point of the wall visible to the public, excluding any architectural feature which extends above such apparent horizontal roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.

(34) "Roof sign." A sign erected on a roof that extends above the highest point of the roofline, parapet, or fascia of the building.

(35) "Sign." Any device, or structure that uses color, graphics, illumination, or writing to advertise, announce, or identify a person, entity, or institution.

(36) "Sign area." The sign area shall be determined by computing the area that will encompass the extreme limits of the sign face, including any open areas within the sign face.

(37) "Sign face." The entire area of a sign upon which copy is placed.

(38) "Sign structure." The supports, uprights, bracing or framework of any structure exhibiting a sign, be it single faced, double faced, or v-type.

(39) "Snipe sign." An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, and fences or to other objects.

(40) "Solar panels." Solar equipment used to power electrical items affiliated with the sign.

(41) "Special event and special event sign." Sign or banner advertising the name, time, and place of a bona fide special event when conducted by a public agency, or for the benefit of any church, school, civic, or charitable cause. A special event for purposes of this section shall not exceed seven (7) consecutive days. Ongoing and/or periodically scheduled events or meetings taking place over more than seven (7) consecutive days shall not be considered special events for purposes of this chapter.

(42) "Subdivision sign." A sign located at the primary entrance to a subdivision.

(43) "Swinging sign." A sign that is attached to a bracket, arm, or mast and is not permanently fastened to a wall or pole.

(44) "Temporary sign." A sign not designed or intended for permanent display. All temporary signs are prohibited within the city unless they meet the requirements of § 14-511 and any other applicable sections within the ordinance.

(45) "Traditional hand-made sign made of natural materials." One (1) or more connected signs and accompanying support structures that meet the following requirements:

(a) That such connected signs and accompanying support structures were hand-made within the City of Oak Hill by members and leaders of a local chapter of a national organization in existence within the United States of America for nearly one hundred (100) years that is a prominent values-based youth development organization providing a program for young people that builds character, trains them in the responsibilities of participating citizenship, and develops personal fitness;

(b) That such connected signs and accompanying support structures were made primarily from wood materials and connected by rope;

(c) That such connected signs and accompanying support structures were in use seasonally within the City of Oak Hill during the greater part of at least twenty-five (25) years prior to the enactment of Ord. #10-3;

(d) That such connected signs and accompanying support structures are no taller than twenty feet (20') high and no wider than eighteen feet (18') wide; and

(e) That the total square footage of the face of such signs is no more than one hundred (100) square feet. Traditional hand-made signs made of natural materials shall not be considered special event signs. All such connected signs and accompanying support structures, used together, shall constitute one (1) traditional hand-made sign made of natural materials,

(46) "Tubular lighting." Lighting such as but not limited to neon, gas, fiber optics, Light Emitting Diode (LED), or other similar forms of lighting, installed on an exterior building facade, canopy, awning, architectural feature, or any other structural component of the building outside the area of any

allowable wall signs, for the purpose of drawing visual attention to the institution.

(47) "Two (2) sided sign or two (2) faced sign." A sign constructed to display its message on the outer surfaces of two (2) identical and opposite sides.

(48) "Vehicle sign." A portable sign affixed to or inside a vehicle for the purpose of directing people to an institution or cause in close proximity to where the vehicle is located.

(49) "Wall sign." A sign mounted flat against a wall, building, or structure, not to extend out twelve inches (12") past the wall, building, or structure.

(50) "Window sign." A sign affixed to the interior or exterior of a window or placed immediately behind a windowpane so as to attract the attention of persons outside the building. (Ord. #11-8, Nov. 2011)

14-503. Applicability. Except as otherwise provided for in this section, it shall be unlawful to construct, enlarge, move, or replace any sign or cause the same to be done, without first obtaining a sign permit from the city. (Ord. #11-8, Nov. 2011)

14-504. Exempt signs. A sign permit shall not be required for the following:

(1) An official sign or notice issued by any court, public agency, or office;

(2) A traffic directional, warning, or information sign authorized by any public agency;

(3) A private street name sign which does not exceed four (4) square feet per sign face or a traffic directional sign meeting the requirements of the *Manual on Traffic Control Devices*, which is located on a private street;

(4) "No trespassing," "no hunting," "no fishing," "no loitering," and like signs not exceeding one (1) square foot in area;

(5) Any on-premises sign, such as an alarm sign or notice of home alarm system signs, not exceeding one (1) square foot in area. Such signs shall not number more than three (3) per site;

(6) A residential real estate sign not exceeding six (6) square feet (two feet by three feet (2' x 3')) per sign face and two (2) sign faces, and not more than one sign per property; unless the aforementioned property is a corner lot with two (2) streets, there may be one (1) sign per street frontage;

(7) An ingress/egress sign, which does not exceed four (4) square feet per sign face;

(8) Incidental signs not exceeding four (4) square feet per face. Such incidental signs shall not number more than three (3) per site. This includes alarm system signage placed by the driveway at the street;

(9) Building marker or historical type signage. Such signs shall be authorized by the city manager or his designee and shall not exceed four (4)

square feet per face. Signs placed by the Tennessee Historical Commission shall be exempt from the size and height limitations of this chapter;

(10) Temporary holiday lights and decorations with no commercial message;

(11) Governmental flags not exceeding a total of sixty (60) square feet. Governmental flags shall be limited to three (3) per site. Free standing flag pole location must be placed within the approved building envelope and shall be limited in height to the roof line of the principal structure on the lot;

(12) Building markers, names of buildings, and dates of erection when cut into any masonry surface or when constructed of permanent metallic or masonry materials and attached to the surface of a building;

(13) Signs legally existing at the time of adoption of this chapter;

(14) Non-governmental flags that contain no commercial message provided they do not exceed fifteen (15) square feet per sign face and one (1) such sign per site. Free standing flag pole location must be placed within the approved building envelope and shall be limited in height to the roof line of the principal structure on the lot;

(15) Political signs with the size limit as stated in 14-511(7)(a) of this chapter; and

(16) Traditional hand-made signs made of natural materials. Such signs shall also be exempt from the following provisions of this chapter: §§ 14-508(4)(b), 14-508(4)(d), 14-508(4)(e), 14-509(1)-(3), 14-511(4)(a), 14-511(4)(b), and 14-511(6). (Ord. #11-8, Nov. 2011)

14-505. Prohibited signs. It shall be unlawful to erect, cause to be erected, maintain, or cause to be maintained, any sign not expressly authorized by, or exempted from, this chapter. The following signs are expressly prohibited:

(1) Signs, which obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way;

(2) Signs and/or sign structures which obstruct the view, may be confused with, or purport to be, a governmental or traffic direction/safety sign;

(3) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals;

(4) Snipe signs erected on public property or on private property (such as private utility poles) located on public property, other than signs erected by a public authority for public purposes or as otherwise approved by the city manager or his designee;

(5) Signs which contain any moving, flashing, animated lights, visible moving or movable parts, or giving the appearance of animation, i.e., animated signs and electronic message display signs;

(6) Signs or sign structures other than freestanding and vertical wall extension, any portion of which extends above the parapet, building roofline, or canopy against which the sign is located;

- (7) Except as otherwise provided, no sign shall be permitted in the public right-of-way except those authorized or issued by a public agency or regulated utility;
- (8) Abandoned or dilapidated signs;
- (9) Signs mounted on a roof;
- (10) Portable signs, unless temporary as provided for in this chapter;
- (11) Inflatable signs;
- (12) Internally lit signs;
- (13) Banners, pennants, festoons, and balloons, except those otherwise provided for in this chapter;
- (14) Signs that are painted on the facade of a building;
- (15) Window signs;
- (16) Business signs;
- (17) Marquee signs; and
- (18) Off-premises signs other than for governmental purposes. (Ord. #11-8, Nov. 2011)

14-506. Nonconforming signs. (1) The utilization of a nonconforming sign and/or sign structure as defined herein may continue subject to the conditions and requirements listed below. When the use and/or ownership of the property changes, the signs on that property must be brought into compliance with the provisions of this chapter.

(2) No alterations to a non-conforming sign/sign structure shall be permitted except minor repairs and maintenance. Any structural or other substantial maintenance or improvements to a nonconforming sign (except for painting or refinishing the surface of an existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status, shall render any prior permit void and shall result in the reclassification of such signs as an illegal sign.

(3) Any sign or sign structure that sustains damage of twenty-five percent (25%) or less of its size, not to any fault of the property owner, shall be allowed to be rebuilt in its entirety provided that such sign structure shall comply with applicable setbacks from the existing right-of-way and is completed within a period of sixty (60) days from the date the damage occurred. Any sign or sign structure that sustains damage of greater than twenty-five percent (25%) of its size, not to any fault of the property owner, shall be rebuilt in accordance with this chapter or removed. (Ord. #11-8, Nov. 2011)

14-507. Abandonment or destruction. Any sign which is destroyed, removed, or taken down may not be reinstalled. (Ord. #11-8, Nov. 2011)

14-508. Design, construction, and maintenance of signs. All permanent signs shall be designed, constructed, and maintained in accordance with the following standards.

(1) Calculations; measurement standards. (a) Individual signs. The sign area shall be determined by computing the area that will encompass the extreme limits of the sign face, including any open areas within the sign face.

(b) Two (2) face signs. The sign area shall be determined by adding together the area of all sign faces.

(c) Height. The sign height shall be measured from the lowest adjacent grade below the sign to the highest point of the sign or sign structure. Average grade shall be the lower of existing grade prior to construction or the newly established grade after construction. The ground where the signage is placed shall not be artificially raised to increase sign height.

(2) Sign setback. All permanent signs shall be set back at least ten feet (10') from the street right-of-way.

(3) Sign illumination. Permitted methods of illumination may be divided into several types as described below. All signs shall be engineered in compliance with applicable portion of the city's building and electrical codes. All electrical service to ground mounted signs shall be placed underground. Electrical service to all other signs shall be concealed from public view:

(a) Indirect illumination. The sign has neither an internal light nor an external source, which is intended to specifically light that sign. Rather, the sign depends on the general lighting of the area (e.g., parking lot, traffic or pedestrian areas) for illumination.

(b) Externally lit signs. Spotlights specifically directed to light the sign. The spotlights shall be fully shielded so that they are not visible from roads or adjoining property. The use of solar panels must be approved by the planning commission.

(4) Material, color, and style. The material and style of permanent signs shall be subject to the following:

(a) Signs shall not have mirrored backgrounds.

(b) Sign materials shall be compatible with proposed building materials for new buildings and will be harmonious with the requirements in this chapter. The frame of the sign for freestanding signs for new buildings shall be of the same material as the building as much as possible and shall match the architecture of the building.

(c) The following materials may be allowed, if appropriate to the design:

(I) Brick;

(ii) Natural stone, including panels. Natural materials favored; but use of imitation stone is subject to review by the planning commission;

(iii) Stained split-face block;

(iv) Wood;

(v) EIFS or similar, in conjunction with brick, split-face block, or stone;

(vi) Metal panels, when used in combination with brick, split-face block, or stone;

(vii) Plastic, or other synthetic materials, can only be used for the sign face when used in combination with brick, split-face block, or stone; and

(viii) Wrought iron, painted.

The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:

(I) Unpainted metal poles. Poles shall be enclosed by a masonry veneer;

(ii) Smooth face concrete blocks, whether painted or unpainted;

(iii) Metal panels, when used without brick, split-face block, or stone; and

(iv) Plastic or other synthetic materials when used without brick, split-face block, or stone

(d) The color (being black, grey, and white) of the background shall be uniform on entire sign and letters shall be uniform on entire sign with dark background and color of letters shall be uniform on entire sign. If more than one (1) sign is used, as in the case of a corner with two (2) frontages, both signs shall be uniform in color, but the two signs shall be half the size of any normally requested sign (with a total area of both signs to be equal to or less than that allowed for a lot with one (1) frontage) by an owner who has frontage on only one (1) street. All signs shall contain white lettering unless there is not enough contrast with the building surface material for reasonable legibility. In such cases, black lettering shall be used. Colors shall not be used as a form of advertising even though such color may be a trademark. Applicants shall request approval by the planning commission be made for any deviations from the requirements in this chapter.

(e) Signage in the same development and/or using a common entrance is required to be coordinated between the multiple uses to achieve compatibility of materials and colors in signage.

(5) Maintenance. All signs, including related landscaping areas, shall be maintained at all times. Signs, which are obsolete in information, defaced, missing some portion, peeling, or cracking shall be deemed in disrepair. Landscaping, which consists of dead or diseased plant material, overgrown or hazardous plant material shall be deemed in disrepair. The city shall give thirty (30) days' written notice for the owner to comply with maintenance requirements. Should the owner and/or property occupant fail to comply within the prescribed period, the city may remove (or cause to be removed) the sign with the cost of removal charged to the owner.

(6) Obstruction. All signs shall be erected so as to not obstruct or impair driver vision at ingress-egress points and intersections. No sign shall be permitted which poses a traffic hazard. If, in the opinion of the city manager or his designee, any sign does constitute a traffic hazard or is detrimental to the general safety of the public, the city may remove such sign with no prior notice to the owner. (Ord. #11-8, Nov. 2011)

14-509. Freestanding sign standards. (1) Area and quantity. The area and quantity of any freestanding sign face shall conform to the following:

(a) Residential. Residential subdivisions may erect freestanding identification signs. Such signs shall be located at the primary entrance(s) to the development/subdivision or at the beginning of the street upon which the development/subdivision connects directly to an arterial or collector street. Upon approval by the planning commission, a subdivision sign may be erected in a recorded sign easement provided that it does not pose a traffic hazard. Such signs shall be administered and maintained by an established homeowner's association or maintenance organization. Signs for such developments shall not exceed fifty (50) square feet of sign face divided among not more than four (4) sign faces. No single sign face shall exceed fifteen (15) square feet. Such signs shall not be internally lit. The maximum height of a subdivision entrance sign shall be six feet (6').

(b) Institutional. Each institutional use shall be permitted one (1) freestanding sign. Such sign shall have no more than fifty (50) square feet of sign face divided among not more than two (2) sign faces. No one (1) face shall exceed thirty (32) square feet.

(2) Height. The maximum height of any freestanding sign for an institutional use shall not exceed six feet (6') above ground level with the exception of historical type signage which is allowed an eighteen inch (18") increase for the structure. The ground shall not have been artificially raised for the purpose of increasing the sign's height, although landscaping at the base of the sign structure shall be required to be installed to help integrate the signs with their sites and the planting area, or a berm including plants/flowers up to one and one-half foot (1 1/2'), shall be allowed with a gradual slope, and will not be included when calculating the height of the sign. Sign permit applications shall show landscaping proposed and be compatible with the overall site landscaping plan. All landscaping areas must be approved by the city manager or his designee.

(3) Structure size. The size of the support structure for any freestanding sign shall not exceed the area of sign face. This provision does not apply to walls in which signs and their structures have been integrated. Wall sizes must be approved by the planning commission.

(4) Spacing limitations. Freestanding signs on any premises shall be spaced at intervals of fifty feet (50') minimum, or at the discretion of the city

manager or his designee, along each public way which views the premises. If less than fifty feet (50') of any building is visible from any public way, only one (1) sign shall be permitted along that public way.

(5) Non-governmental flags. Non-governmental flags are deemed to be freestanding signs and shall be subject to the provisions of this chapter (with the exception of height requirements). No such flag shall be for advertising purposes and exceed fifteen (15) square feet per face. A flag and a freestanding sign combination is permissible only in those circumstances where the total area of both the flag (doubled) and the freestanding sign shall not exceed the total allowable area for freestanding signs on the site. Freestanding flag pole location must be placed within the approved building envelope and shall be limited in height to the roof line of the principal structure on the lot. (Ord. #11-8, Nov. 2011)

14-510. Wall sign standards. Institutional/public. Wall signs for institutional/public facilities shall not exceed thirty-two (32) square feet with a total limitation of one (1) sign per facade per building. Signage on any one facade shall not occupy more than ten percent (10%) of that facade. Signs shall be mounted in a flat fashion and not extend beyond the building face for more than twelve inches (12"). (Ord. #11-8, Nov. 2011)

14-511. Temporary sign standards. (1) Permit exemption. Unless specifically exempted below, all temporary signs are prohibited within the city unless a sign permit is issued by the city. All temporary signage must be removed upon expiration of the permit. In addition, temporary signs shall be subject to the standards in this chapter.

(2) Types. The following types of signs shall be classified as temporary signs:

- (a) Special event signs to promote a special event for the benefit of any church, school, civic, or charitable cause.
- (b) Land subdivision or development signs.
- (c) Signs advertising the sale or lease of property upon which they are located.

(3) Exemption from permit requirement. These signs are exempt from needing a sign permit:

- (a) Political signs. These signs are exempt from needing a sign permit.
- (b) Construction signs. Only one (1) company or group may place a construction sign on any property at a time.
- (c) Signs advertising the sale or lease of property upon which they are located.
- (d) Traditional hand-made signs made of natural materials.

In addition to the foregoing, the city manager may waive the temporary sign permit fee for special events for non-profit organizations that benefit and are open to the general public.

(4) Area, height, and location. The area, height, and location of any temporary sign shall conform to the following:

(a) Area. The total area of temporary signs shall not exceed forty (40) square feet except for real estate signs for residential property, which shall not exceed six (6) square feet per face and two (2) faces.

(b) Height. The maximum height of temporary signs shall not exceed six feet (6'), while the lower edge shall not exceed two feet (2') in height from the average grade.

(c) Location. No temporary sign shall be located as to obstruct or impair driver vision at institution ingress-egress points and at intersections. All temporary signs shall be located at least ten (10) feet from the street edge with the exception of residential real estate signs which must be located outside of the right-of-way.

(5) Number. The number of temporary signs, not including traditional hand-made signs made of natural materials, per property shall not exceed one (1). The number of traditional hand-made signs made of natural materials per property shall not exceed two (2).

(6) Time limits. Temporary signs shall be subject to the following time limits:

(a) Special event signs. Special event signs may be erected no sooner than fourteen (14) days preceding a special event and shall be removed within forty-eight (48) hours following the special event. The time limits for special event signs shall be specified in the temporary sign permit and there shall be at least seven (7) days between removal of a special event sign and the placement of a new special event sign.

(b) Signs announcing the subdivision of land. Such signs may be erected on the land being developed after receiving final subdivision approval by the city, and shall be removed when one hundred percent (100%) of the development lots are conveyed.

(c) Signs advertising the sale or lease of property. Such signs shall be removed within seven (7) days after the property is sold or leased.

(d) Construction signs. Such signs shall be removed within seven (7) days after the contractor has requested the final inspection on the site.

(e) Traditional hand-made signs made of natural materials. Any such sign may be displayed for no more than forty-five (45) days per year. Additionally, no property shall have any such sign displayed upon it for more than forty-five (45) days per year.

(7) Political signs. (a) Area. Political signs shall not exceed six (6) square feet in area per face in all districts.

(b) Location. No political sign shall be permitted on any public right-of-way or public property. Any political sign located on private property shall be located at least six feet (6') from edge of pavement. Vehicle signs for political candidates shall not be parked on any public right-of-way.

(c) Time limits. Political signs may be displayed on election day and forty-five (45) days prior to the election for which they are intended, and shall be removed within three (3) days after such election. Vehicle signs for political candidates may be displayed on election day and forty-five (45) days prior to the election for which they are intended, and shall be removed three (3) days after such election.

(8) The following signs are permitted on residential lots without city approval provided that at no time shall more than three (3) of the following types of signs may be installed on a residential lot:

(a) Incidental signs such as graduation, birthday, and other non-commercial announcements provided that such signs shall not remain on a property for longer than thirty (30) days;

(b) Signs promoting a garage/yard sale on the premises or signs promoting a charitable special event, provided that either type of sign shall not be placed on the property earlier than seven (7) days prior to the sale or special event, and shall be removed within seventy-two (72) hours after such sale or event; and

(c) Signs of a more permanent type, including posted notices (example: "No Trespassing" or "No Soliciting") and alarm system signage. Unless otherwise exempted herein, no sign on a residential lot shall exceed six (6) square feet per sign face. (Ord. #11-8, Nov. 2011)

14-512. Sign permit administration. (1) Sign permit required. Unless specifically exempted under § 14-504, a sign permit must be obtained from the city manager or his designee prior to erecting, altering, or relocating a sign.

(2) Sign permit application. The application requirements for a sign permit shall be established by the city in a form and content appropriate to demonstrate that the sign will be in compliance with this chapter. The city manager or his designee shall have thirty (30) days to review the application and render a decision to the applicant. The application must provide detailed description that includes material, dimensions, color, style, location, and setback on site and illustration of proposed sign and comply with all aspects of this chapter. Notwithstanding this provision, the board of zoning appeals must review and approve any signs to be erected as part of a conditional use permit. There will also be a sign review fee as set by the board of commissioners.

(3) Regulatory enforcement. The city manager or his designee will periodically inspect signs in order to determine whether there are violations of this chapter.

(4) Violation notice. A violation of this chapter is a violation of the zoning ordinance and is subject to the enforcement procedures and penalties as provided herein.

(5) Impoundment/disposal of any sign(s) unlawfully erected off-premises or in the public right-of-way may be removed immediately by the city and may be claimed at city hall during normal business hours after payment of a sign removal fee as set by the board of commissioners. The city may dispose of any signs not claimed within three (3) days. (Ord. #11-8, Nov. 2011)

CHAPTER 6

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION

- 14-601. Statutory authorization, findings of fact, purpose and objectives.
- 14-602. Definitions.
- 14-603. General provisions.
- 14-604. Administration.
- 14-605. Provisions for flood hazard reduction.
- 14-606. Criteria for land management and use.
- 14-607. Variance procedures.
- 14-608. Legal status provisions.

14-601. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in § 6-19-101, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Oak Hill, Tennessee, mayor and board of commissioners, do ordain as follows:

(2) Findings of fact. (a) The City of Oak Hill, Tennessee, mayor and its board of commissioners wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. I, § 60.3.

(a) Areas of the City of Oak Hill, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

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

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

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

(4) **Objectives.** The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a flood prone area;

(h) To maintain eligibility for participation in the NFIP.
(Ord. #O-17-02-01-90, Feb. 2017, modified)

14-602. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives. For purposes of this flood damage prevention ordinance only, the following words or phrases shall be defined below:

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indetelminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(5) "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.

(6) "Area of special flood hazard" see "special flood hazard area."

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

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

(9) "Building" see "structure."

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

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

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with § 1336 of the National Flood Insurance 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.

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

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

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

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

(17) "Existing structures" see "existing construction."

(18) "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).

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

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

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

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

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

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

(26) "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.

(27) "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.

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

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

(30) "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.

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

(32) "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.

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

(34) "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.

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

(36) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the City of Oak Hill, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior or

(ii) Directly by the Secretary of the Interior.

(37) "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.

(38) "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.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement

area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(40) "Manufactured home" means a structure, transportable in one (1) 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."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

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

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

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

(48) "100-year flood" see "base flood."

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

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

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

(52) "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.

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

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) 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.

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

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency" the Tennessee Department of Economic and Community Development's local planning assistance office, as designated

by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

(59) "Substantial damage" means damage of my origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

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

(a) The appraised value of the structure prior to the start of the initial improvement, or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to connect existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or;

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

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

(62) "Variance" is a grant of relief from the requirements of this ordinance.

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

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of

various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #O-17-02-01-90, Feb. 2017, modified)

14-603. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Oak Hill, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Oak Hill, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated April 5, 2017 and Flood Insurance Rate Map (FIRM), Community 470351, Panel Numbers 47037C0354H, 47037C0356H, 47037C0357H, 47037C0358H, 47037C0359H, 47037C0366H and 47037C0367H dated April 5, 2017, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

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

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

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body and;

(c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

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

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a civil offense subject to a penalty under the general penalty

provision of the City of Oak Hill and as otherwise provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be assessed a civil offense as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Oak Hill, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #O-17-02-01-90 Feb. 2017, as amended by Ord. #O-17-02-02-90, Feb. 2017, modified)

14-604. Administration. (1) Designation of ordinance administrator. The city manager or their designee is hereby appointed as the administrator to implement the provisions of this ordinance.

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

(a) Application stage. (I) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood proofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA flood proofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential flood proofed building will meet the flood proofing criteria in § 14-605(1) and (2).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When flood proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

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

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-604(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and

substantially improved buildings have been flood proofed, in accordance with § 14-604(2).

(h) When flood proofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-604(2).

(I) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Oak Hill, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #O-17-02-01-90, Feb. 2017, modified)

14-605. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(I) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including § 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-605(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-605(1) are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than three feet (3') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls

shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-602). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

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

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood proofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-602). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be 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 Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-604(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow

for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(I) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-605(2).

(d) Standards for manufactured homes and recreational vehicles.

(I) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels,

(B) In expansions to existing manufactured home parks or subdivisions, or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than three feet (3') above the level of the base flood elevation or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-602).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-605(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(I) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-605(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-603(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be

permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Oak Hill, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-605(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-603(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-605(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-603(2), where streams exist, but no base flood data has been provided and where a flood way has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-605(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres,

whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or flood proofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-602). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in § 14-604(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-605(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-605(1) and (2). Within approximate A Zones, require that those subsections of § 14-605(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-603(2), 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, in addition to those set forth in § 14-605(1) and (2), apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate

automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-605(1).

(b) All new construction and substantial improvements of non-residential buildings may be flood proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood proofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be flood proofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-604(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-603(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-604 and 14-605.

(8) Standards for unmapped streams. Located within the City of Oak Hill, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-604 and 14-605. (Ord. #O-17-02-01-90, Feb. 2017)

14-606. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The City of Oak Hill, Tennessee Board of Zoning Appeals

shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by my governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars (\$100.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than ten (10) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

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

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The City of Oak Hill, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance

to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridge.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this ordinance.

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

(2) Conditions for variances. (a) Variances may only be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-606(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variance to FEMA upon request. (Ord. #O-17-02-01-90, Feb. 2017)

14-607. Criteria for land management and use. (1) Requirements for flood plain management regulations. (a) Flood plain management criteria for flood-prone areas. The administrator will provide the data upon which flood plain management regulations shall be based. If the administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other federal, state or other sources pending receipt of data from the administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the administrator, they apply. The symbols defining such special flood hazard designations are set forth in NFIP § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the administrator. Minimum standards for communities are as follows:

(I) When the administrator has not defined the special flood hazard areas within a city, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the city has indicated the presence of such hazards by submitting an application to participate in the program, the city shall:

(A) Require permits for all proposed construction or other development in the community, including the

placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(B) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(C) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall

(1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

(2) Be constructed with materials resistant to flood damage,

(3) Be constructed by methods and practices that minimize flood damages, and

(4) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(D) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a floodprone area, any such proposals shall be reviewed to assure

(1) All such proposals are consistent with the need to minimize flood damage within the flood-prone area,

(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(3) Adequate drainage is provided to reduce exposure to flood hazards;

(E) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(F) Require within flood-prone areas

(1) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and

(2) Onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(ii) When the administrator has designed areas of special flood hazards (A Zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(A) Require permits for all proposed construction and other developments including: The placement of manufactured home, within Zone A on the community's FHBM or FIRM;

(B) Require the application of the standards in paragraphs (i)(B), (C), (D), (E), and (F) of this section to development within Zone A on the community's FHBM or FIRM

(C) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions greater than fifty (50) lots of five (5) acres, whichever is the lesser, include within proposals base flood elevation data;

(D) Obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state, or other source, including data developed pursuant to paragraph (ii)(C) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (iii)(B), (iii)(C), (iii)(E), (iii)(F), (iii)(L), (iii)(N), (iv)(B), and (iv)(C) of this section;

(E) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM: Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and obtain, if the structure has been flood proofed in accordance with paragraph (iii)(C)(2) of this

section, the elevation (in relation to mean sea level) to which structure was flood proofed and maintain a record of all such information with the official designated by the community under NFIP § 59.22(a)(9)(iii);

(F) Notify, in riverine situations, adjacent communities and the state coordinating officer prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the administrator;

(G) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(H) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(iii) When the administrator has provided a notice of final flood elevations for one (1) or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(A) Require the standards of paragraph (2) of this section within all A1-30 Zones, AE Zones, A Zones, AH Zones, and AO Zones on the community's FIRM;

(B) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH Zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the administrator for the allowance of basements in accordance with NFIP § 60.6(b) or (c);

(C) Require that all new construction and substantial improvements of nonresidential structures within Zones A1-30, AE and AH Zones on the community's FIRM:

- (1) Have the lowest floor (including basement) elevated to or above the base flood level or,
- (2) Together with attendant utility and

sanitary facilities, be designed so that below the base flood level the structure 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;

(D) Provide that where a non-residential structure is intended to be made watertight below the base flood level:

(1) A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction, and shall certify that the design and method of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (iii)(C)(2) or (iii)(H)(2) of this section, and

(2) A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained with the official designated by the community under NFIP § 59.22(a)(9)(iii);

(E) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood sources on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting the requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) dwelling having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(F) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in

an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(G) Require within any AO Zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet (2') if no depth number is specified);

(H) Require within any AO Zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth specified in feet on the community's FIRM (at least two feet (2') if no depth number is specified), or

(2) Together with attendant utility and sanitary facilities be completely flood proofed to that level to meet floodproofing standard specified in NFIP § 60.3(c)(3)(ii);

(i) Require within any A99 Zones on a community's FIRM the standards of paragraphs (i)(A) through (i)(D)(1) and (ii)(E) through (2)(i) of this section;

(J) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated 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 (1') at any point within the community.

(K) Require within Zones AH and A0, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(L) Require that manufactured homes to be places or substantially improved on sites in an existing manufactured home park or subdivision within Zones

A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (iii)(F) of this section be elevated so that either, The lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(M) Notwithstanding any other provisions of NFIP § 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot (1'), provided that the community first applies for a conditional FIRM revision, fulfills the requirement for such a revision as established under the provisions of NFIP § 65.12, and receives the approval of the administrator.

(N) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either; be on the site for fewer than one hundred eighty (180) consecutive days, be fully licensed and ready for highway use, or meet the permit requirements of paragraph (ii)(A) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (iii)(F) of this section.

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

(iv) When the administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO Zones, AH Zones, and A Zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(A) Meet the requirements of paragraphs (iii)(A) through (N) of this section;

(B) Select and adopt a regulatory floodway based on the principle that the area chosen for regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot (1') at any point;

(C) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with the standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(D) Notwithstanding any other provisions of NFIP § 60.3, a community may permit encroachments within adopted regulatory floodway that would result in an increase on base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of NFIP § 65.12, and receives the approval of the administrator.

(v) When the administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH Zones, AO Zones, A99 Zones, and A Zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE and/or V, the community shall:

(A) Meet the requirements of paragraphs (v)(A) through (N) of this section;

(B) Within Zones V1-30, VE, and V on a community's FIRM:

(1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, whether or not such structures contain a basement, and

(2) Maintain a record of all such information with the official designated by the community under NFIP § 59.22(a)(9)(iii);

(C) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(D) Provide that all new construction and substantial improvements in Zones V1-30, and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that:

(1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings and columns) is elevated to or above the base flood level; and

(2) The pile or column foundation and structure attached thereto is anchored to resist floatation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (v)(D)(1) and (2) of this section.

(E) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway wall, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot (either by design or when so required by local and state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions: breakaway wall collapse shall result from water load less than that which would occur during the base flood; and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. Such enclosed

space shall be useable solely for parking of vehicles, building access, or storage.

(F) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE and V on the community's FIRM;

(G) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE and V on the community's FIRM which would increase potential flood damage.

(H) Require that manufactured home placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites: Outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (v)(B) through (G) of this section and that the manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the community's FIRM meet the requirements of paragraph (iii)(L) of this section.

(i) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either, be on site for fewer than one hundred eighty (180) days, be fully licensed and ready for highway use, or Meet the requirements on paragraphs (ii)(A) and (v)(B) through (G) of this section. 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 additions.

(vi) When the administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH Zones, AO Zones, A Zones, and A Zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(A) Meet the requirements of paragraphs (iii)(A) through (N) and (iv)(A) through (D) of this section.

(B) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as

defined in NFIP § 59.1 in accordance with the eligibility procedures under NFIP § 65.14

(C) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is five feet (5') or less: Determine the lower of either the AR base flood elevation or the elevation that is three feet (3') above highest adjacent grade; and using this elevation, require the standards of paragraphs (iii)(A) through (N) of this section.

(D) For all new construction of structures in those areas within Zone AR that are designated as developed areas where the AR flood depth is greater than five feet (5'): Determine the AR base flood elevation; and using that elevation require the standards of paragraphs (iii)(A) through (N) of this section.

(E) For all new construction of structures on areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A: Determine the applicable elevation for Zone AR from paragraphs (i)(C) and (D) of this section, determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO, and A Zone; and using the higher elevation from paragraphs (i)(E)(1) and (ii) of this section require the standards of paragraphs (iii)(A) through (N) of this section.

(F) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A: Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and using this elevation apply the requirements of paragraphs (iii)(A) through (N) of this section.

G) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation. (Ord. #O-17-02-01-90, Feb. 2017)

14-608. Legal status provisions. Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Oak Hill, Tennessee, the most restrictive shall in all cases apply. (Ord. #O-17-02-01-90, Feb. 2017)

CHAPTER 7

WIRELESS TOWERS AND ANTENNAS

SECTION

- 14-701. Purpose.
- 14-702. Definitions.
- 14-703. Applicability.
- 14-704. General requirements.
- 14-705. Conditional use permits.
- 14-706. Removal of abandoned antennas and towers.
- 14-707. Nonconforming uses.

14-701. Purpose. The purpose of this chapter is to establish general guidelines for considering the permitting, placement, and/or modification of wireless communication towers and antennas. The goals of this chapter are to:

- (1) Preserve and protect the residential character of the community;
- (2) Preserve and protect the natural scenic beauty of the community;
- (3) Preserve and protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (4) Require the location of towers exclusively in non-residential areas now being utilized for churches and/or schools;
- (5) Minimize the total number of towers throughout the community;
- (6) Require the joint use of new and existing tower sites as primary options rather than construction of additional single-use towers;
- (7) Require users of towers and antennas to locate them in areas where the adverse impact on the community is minimal;
- (8) Encourage users of towers and antennas to configure them in a way which minimizes the adverse visual impact of such towers and antennas through careful design, siting, landscape screening, and innovative utilization of stealth technology;
- (9) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (10) Consider the impact of communications towers upon the public health and safety; and
- (11) Through careful review of requests for siting towers, and through careful engineering of improved tower structures, avoid potential damage to adjacent properties. In furtherance of these goals, the board of zoning appeals shall give due consideration to the City of Oak Hill zoning map, existing land uses, and environmentally sensitive areas when considering proposed sites for the location of towers and antennas. (2011 Code, § 14-301)

14-702. Definitions. As used in this chapter, the following terms shall have the meanings set forth below:

(1) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles, flag poles, and similar alternative-design mounting structures that significantly camouflage or conceal the presence of antennas or towers.

(2) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

(3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(4) "FAA" means the Federal Aviation Administration.

(5) "FCC" means the Federal Communications Commission.

(6) "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(7) "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice tower, guyed towers, or monopole towers. The term includes radio and television transmission tower, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. (2011 Code, § 14-302)

14-703. Applicability. (1) New towers and antennas. All new towers or antennas in the City of Oak Hill shall be subject to these regulations.

(2) Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter. (2011 Code, § 14-303)

14-704. General requirements. (1) Location restricted. Antennas and towers shall be located exclusively in non-residential areas of Oak Hill now being utilized for churches and/or schools.

(2) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. An existing residential dwelling structure on the same lot shall preclude the installation of any antenna or tower on such lot.

(3) Lot size. For purposes of determining whether the installation of a tower or antenna complies with Oak Hill development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control even though the antennas or towers may be located on leased parcels within such lot.

(4) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the city manager an inventory of all existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the City of Oak Hill, including specific information about the location, height, and design of each tower.

(5) Alternative locations. Each applicant shall submit to the city manager written evidence that alternative locations have been investigated for all existing towers or structures within one (1) mile of the proposed site. A new tower may be permitted if the applicant demonstrates to the board of zoning appeals that no existing tower or structure can accommodate the applicant's proposed antenna because of any of the following conditions:

(a) No existing towers or structure are located within the geographic area required to meet the applicant's engineering requirements;

(b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;

(c) Existing towers or structures do not have sufficient structural strength to support the applicant's engineering requirements;

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower; or

(e) Evidence submitted by the applicant that fees, costs, or contractual provisions required 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) Design requirements. Each applicant shall submit to the city manager design plans for the proposed new tower indicating how it will be built to structurally accommodate additional antennas and related equipment for the applicant and at least two (2) other providers. Said design plans shall utilize available stealth technologies in providing for an alternative tower structure as defined herein at § 14-702(1) hereof.

(7) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(8) State or federal requirements. All towers must meet or exceed all current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised

standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(9) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Oak Hill concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(10) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Oak Hill irrespective of municipal and county jurisdiction boundaries.

(11) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Oak Hill have been obtained and shall file a copy of all required franchises with the city.

(12) Public notice. For purposes of this chapter, any special use request or variance request shall require public notice to all abutting property owners in addition to any notice otherwise required by the zoning ordinance.

(13) Signs. No signs shall be allowed on an antenna or tower.

(14) Buildings and support equipment. All support equipment associated with operation of antennas or towers shall be located in an appropriate underground vault and shall not be visible at the approved tower site. (2011 Code, § 14-304)

14-705. Conditional use permits. (1) General. The following provisions shall govern the issuance of conditional use permits for towers or antennas by the board of zoning appeals:

(a) A conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications.

(b) Applications for conditional use permits under this section shall be subject to the procedures and requirements of Article V of the zoning ordinance of the City of Oak Hill, Tennessee, except as modified in this part.

(c) In granting a conditional use permit, the board of zoning appeals may impose special conditions to the extent the board of zoning appeals concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

(d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

(e) An applicant for a conditional use permit shall submit the information described in this section and a non-refundable fee to reimburse the City of Oak Hill for the costs for reviewing the application.

(2) Towers. (a) Information required. All applicants for a conditional use permit for a tower shall submit the following information:

(i) A scaled site plan clearly indicating the location, type, and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the board of zoning appeals to be necessary to assess compliance with this chapter.

(ii) Legal description of the parent tract and leased parcel (if applicable).

(iii) The setback distance between the proposed tower and the nearest property boundaries.

(iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to § 14-704(4) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s).

(v) A detailed landscape plan showing specific landscape materials, buffer areas, and screening.

(vi) Method of fencing, finished color, description of stealth technology used, and, if applicable, the method of FAA-required illumination.

(vii) A description of compliance with § 14-704 herein, and all applicable federal, state, or local laws.

(viii) A notarized statement by the applicant as to whether construction of the subject tower will accommodate co-location of additional antennas for future users.

(ix) A detailed description of the inadequacy of existing towers, other structures, or alternative technology to provide the services sought to be provided through the use of the proposed new tower.

(x) A description of the feasible location(s) of future towers or antennas within the City of Oak Hill based upon existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.

(b) Factors considered regarding conditional use permits for towers. In addition to any standards for consideration of conditional use permit applications pursuant to Article V of the zoning ordinance of the City of Oak Hill, Tennessee, the board of zoning appeals shall consider the following factors in determining whether to issue a conditional use permit:

- (i) Height of proposed tower;
- (ii) Proximity of the tower to residential structures and residential district boundaries;
- (iii) Nature of uses on adjacent and nearby properties;
- (iv) Surrounding topography, and steepness of slopes;
- (v) Surrounding tree coverage and foliage;
- (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (vii) Proposed ingress and egress locations;
- (viii) Availability of suitable existing towers, other structures, or alternative technologies, as discussed in § 14-705(2)(iv) of this chapter; and
- (ix) Proximity of the proposed tower to Radnor Lake property and viewshed.

(c) Availability of suitable existing towers, other structures, or alternative technology. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of zoning appeals that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the board of zoning appeals related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of the following:

- (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structure, or the antenna on the existing towers or

structure would cause interference with the applicant's proposed antenna.

(v) The fees, costs, or contractual provisions required by the owner in order 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.

(vi) A demonstration that there are other limiting factors which render existing towers and structures unsuitable.

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(d) **Setbacks.** The following setback requirements shall apply to all proposed towers for which a conditional use permit is required:

(i) Towers must be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line.

(ii) Guys and accessories must satisfy the minimum zoning district setback requirements.

(e) **Separation.** The following separation requirements shall apply to all towers and antennas for which a conditional use permit is required:

(i) Separation from off-site uses/designated areas.

(A) Tower separation shall be measured from the base of the tower to the lot line of the offsite uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

(B) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1

Off-site Use/Designated Area	Separation Distance
Single-family residential units	200 feet or 300% height of tower, whichever is greater

Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower,* whichever is greater
Vacant unplatted residentially zoned lands	200 feet or 300% height of tower, whichever is greater
Non-residential conditional uses	200 feet or 300% height of tower, whichever is greater

*Separation measured from base of tower to closest building setback line.

(ii) Separation distance between towers.

(A) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2

Existing Towers -- Types

	Lattice	Guyed	Monopole 75 ft. in height or greater	Monopole less than 75 ft. in height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft. in height or greater	1,500	1,500	1,500	750
Monopole less than 75 ft. in height	750	750	750	750

(f) Security fencing. Towers shall be enclosed by security fencing six feet (6') in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the board of zoning appeals may waive such requirements as it deems appropriate.

(g) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the board of zoning appeals may waive such requirements if the goals of this chapter be better served thereby.

(i) Tower facilities shall be landscaped with a buffer of evergreen plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.

(ii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient barrier. (2011 Code, § 14-305)

14-706. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Oak Hill notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single antenna or tower, then this provision shall not become effective until all users/abandon the tower. (2011 Code, § 14-306)

14-707. Nonconforming uses. (1) Not expansion of nonconforming use. Towers that are constructed, and antennas that are installed, in accordance with the provision of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

(3) Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding § 14-704(9), bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a conditional use permit. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable

building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in § 14-706. (2011 Code, § 14-307)

CHAPTER 8

SHORT-TERM RENTALS

SECTION

14-801. Short-term rentals.

14-802.--14-807. Deleted.

14-259. Short-term rentals. (a) Definitions. (1) "Short term rental." The permitted occupancy, regardless of consideration, of any building, dwelling, or structure, in whole or in part, within the City of Oak Hill, by any person(s) for exclusive transient use for a period of twenty (20) consecutive days or less, whereby the structure is only approved for permanent residential occupancy and not approved for transient occupancy or other short term rentals of any kind.

(2) "Residential use." The use of a dwelling by a family for private, residential purposes and purposes incidental and necessary thereto, excluding all other uses except for home occupation or as specifically permitted in a particular zoning district.

(b) Regulations. (1) No lot or other property may be used, nor any building, dwelling or structure used, developed, designed or constructed, for any use other than as specifically permitted within each zoning district pursuant to Table I (Permitted and Conditional Uses) and Table II (Lot, Yard, Bulk, and Density Requirements). Said prohibition includes but is not limited to the following uses: (i) mobile home dwelling, multifamily dwelling, bed and breakfast homestay, and short term rental property; (ii) all office, commercial, or other business use except as defined under Home Occupation or as otherwise specifically permitted in a zoning district; (iii) park and ride, bus station or transfer station, motor freight, commuter retail, and takeoff or landing of aerial vehicles; except for law enforcement, fire, and emergency medical services; and (iv) salvage, junk, and scrap yards, including inoperable vehicles and material stock piles."

(2) The city manager or his or her designee may promulgate regulations, which may include but are not limited to inspections and/or other enforcement procedures. No person shall fail to comply with any such regulation.

(c) Enforcement. (1) Any person violating any provision of this section shall be guilty of an infraction, which shall be punishable by a fine not exceeding fifty dollars (\$50.00) per day.

(2) The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law.

(3) If any provision of this section conflicts with any provision of the zoning ordinance as codified within this chapter, the terms of this section shall prevail. (as added by Ord. #O-16-11-01-90, Nov. 2016, and replaced by Ord. #O-19-04-01-55, April 2019 *Ch1_11-10-20*)

14-802.--14-807. Deleted. (as deleted by Ord. #O-19-04-01-55, April 2019 *Ch1_11-10-20*)

CHAPTER 9

TREE MANAGEMENT AND PROTECTION

SECTION

- 14-901. Applicability.
- 14-902. Exemptions.
- 14-903. Authority.
- 14-904. Permits.
- 14-905. Technical standards.
- 14-906. Arborist report.
- 14-907. Radnor Lake Natural Area impact zone.
- 14-908. Penalties.

14-901. Applicability. The standards of this section shall apply jointly and severally to:

- each and every person owning a legal interest in the real property located in the city of Oak Hill while under construction and/or until construction is completed,
- each and every permit applicant, including but not limited to the contractor who has been issued a tree removal permit,
- each and every permit applicant, including but not limited to the contractor who has been issued a building permit,
- any permit holder who has been issued a permit from the city of Oak Hill for land disturbance activities at the site, and
- all subcontractors working for a permit holder unless otherwise exempt pursuant to § 14-902.

(1) Removal of existing vegetation shall not occur on a lot subject to the terms of this section until such time as a permit has been issued.

(2) No construction activities may commence until all protective measures have been properly installed so as to protect any and all existing or planted trees from being damaged during construction or land disturbance activities in accordance with the tree protective barrier requirements described herein.

(3) Barricades shall be installed a minimum of ten feet (10') from a protected tree or at the designated protected root zone as shown on the approved site plan. The CCO may allow minor modifications to this standard based upon specific site configuration issues.

(4) All construction activities may be stopped based upon the sole discretion of the Code Compliance Officer (CCO) and/or the city's designee until such time as appropriate tree protection barriers have been promulgated by the City of Oak Hill.

(5) No changes to the predevelopment conditions within the approved protected root zone are allowed during the construction process, but a barricade

may be temporarily relocated to accommodate a construction issue if advance notice is provided to the CCO.

(6) Each person in violation of any provision herein shall be subject to a fifty dollar (\$50.00) per day fine, for each and every day each tree protection barrier/s is not installed around one (1) or more protected trees.

(7) Each person in violation of this part shall be subject to a fifty dollars (\$50.00) per day fine for each and every violation of the tree protective barrier requirements herein which may have occurred prior to or during any land clearing activities, demolition activities, construction staging activities, or construction activities at the construction site. (as added by Ord. #O-19-01-01-41, Jan. 2019 *Ch1_11-10-20*, and replaced by Ord. #O-19-05-02-40, May 2019 *Ch1_11-10-20*)

14-902. Exemptions. The following development or construction activities and types of vegetation are exempt from the standards of this section:

(1) The removal of dead or naturally fallen trees or vegetation.

(2) The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, or for the purpose of performing necessary field survey work.

(3) The actions of public and private utility companies within their utility easements.

(4) Removal of trees listed in the current edition of invasive exotic pest plants, published by the Tennessee Exotic Pest Council. (as added by Ord. #O-19-01-01-41, Jan. 2019 *Ch1_11-10-20*, and replaced by Ord. #O-19-05-02-40, May 2019 *Ch1_11-10-20*)

14-903. Authority. The Code Compliance Officer (CCO) and/or his designee shall have such authority to supervise or inspect all work done pursuant to a permit issued in accordance with terms of this chapter. (as added by Ord. #O-19-01-01-41, Jan. 2019 *Ch1_11-10-20*, and replaced by Ord. #O-19-05-02-40, May 2019 *Ch1_11-10-20*)

14-904. Permits. No person shall plant, cut or remove, above or below ground, any tree during construction activities which requires a building permit, or any other type of permit from the city of Oak Hill without first filing an application and procuring a tree removal permit from the city. The tree removal permit application shall include a stamped report from a certified arborist addressing all required components of this chapter. Any and all persons receiving a permit or who have an interest in the real property are jointly and severally liable and shall abide by the specifications and standards of practice adopted per this chapter. The CCO shall have the authority to require posting of a bond adequate to fully repay the city for any and all costs associated with the completion of the arborist report to the issuance of the "certification of occupancy," which may be withheld if the arborist report has not been

completed. (as added by Ord. #O-19-01-01-41, Jan. 2019 *Ch1_11-10-20*, and replaced by Ord. #O-19-05-02-40, May 2019 *Ch1_11-10-20*)

14-905. Technical standards. The following technical standards establish the tree replacement standards on all projects requiring a permit:

EXISTING TREE SIZE	REQUIRED REPLACEMENT CALIPER MINIMUM	RATIO OF REPLACEMENT TREES TO REMOVED TREES
4" - 15" D.B.H.	3"	1:1
16" - 30" D.B.H.	5"	1:1

- (1) Development standards. (a) Retention of existing trees.
- (i) During development, construction or land disturbance activities, no clear-cutting of any lot is permissible. Clear-cutting is defined as removal of trees outside of the approved building area which includes the building envelop, the area approved for a driveway and any area authorized by the board of zoning appeals or the planning commission. No trees may be removed outside of the above described areas.
- (ii) During development, construction or land disturbance activities, the applicant shall be responsible for the erection of barriers necessary to protect any existing or installed trees and vegetation from damage during and after construction.
- (iii) Barricades shall be installed a minimum of ten feet (10') from a protected tree or at the designated protected root zone as shown on the approved site plan. The CCO may allow minor modifications to this standard based upon specific site configuration issues.
- (iv) No changes to the predevelopment conditions within the approved protected root zone are allowed during the construction process, but a barricade may be temporarily relocated to accommodate a construction issue if advance notice is provided to the CCO.
- (v) No excess soil, sediment, fill, vehicles, equipment, liquid waste, solid waste, special waste, solvents and/or demolition or construction debris shall be placed within six feet (6') of the protective barrier area surrounding a tree while construction activities, including preparation of the site, are ongoing.

(vi) No tree or root system surrounded by a protective barrier shall be damaged as a result of any site preparation or construction activities.

(vii) No attachments or wires other than those of a protective or of a non-damaging nature shall be attached to any trees.

(viii) The provisions of this section shall not apply in the event the CCO determines a protected tree is creating an imminent safety hazard.

(b) Removal and replacement of trees. In the event one (1) or more trees are removed or damaged due to land disturbance or construction activities subject to a permit issued by the city, the following shall apply:

(i) Prior to and during land clearing, including grubbing, all trees to be removed shall be clearly marked with ribbons at thirty-six to forty-eight inches (36" to 48") above grade. All trees to be removed shall be marked with an orange plastic ribbon tied around the trunk of each tree prior to the onsite inspection of the city's CCO. The city shall make available at city hall the orange ribbon to the applicant upon receipt of an application for a permit. If the orange ribbon is not placed around each tree at the time of inspection by the city CCO, the inspection shall be rejected and a re-inspection fee of one hundred twenty-five dollars (\$125.00) shall be charged to the applicant.

(ii) The applicant or any person owning a legal interest in real property for which a permit has been issued shall be solely responsible for replacing any newly planted or transplanted trees on such property used to meet the minimum requirements as outlined in the technical standards which die or become so unhealthy so as to lose their aesthetic or functional purpose after the construction on such property has been completed.

(iii) All original or replanted trees as required herein shall survive for at least one (1) year from the date of final inspection. Any replanted tree that does not survive the full one (1) year requirement, shall be replanted at the current real property owner's sole expense. All transplanted trees on the site shall be maintained using acceptable horticultural practices.

(iv) Any person(s) owning any legal interest in real property for which a tree removal permit has been issued shall replace each newly planted or transplanted tree on said property which have died or become so unhealthy that it is the opinion of the CCO that the tree(s) have lost their aesthetic or functional purpose since the time the construction activities on the property

were completed per the requirements detailed in subsection (iii) above.

(v) All transplanted trees on the site shall be maintained using acceptable horticultural practices or best management practices.

(c) The following trees have been identified as species that are suitable in this geographic region and are acceptable by the City of Oak Hill.

LARGE TREES

CANOPY TREES - (A tree that normally achieves an over-all height at maturity of thirty (30') or more).

Botanical Name	Common name	Botanical Name	Common Name
Acer rubrum	Red Maple	Platanum occidentalis	Sycamore
Acer saccharinum	Silver Maple	Prunus serotina	Black Cherry
Acer saccharum	Sugar Maple	Quercus alba	White Oak
Aesculus spp.	Buckeye	Q. coccinea	Scarlet Oak
Betula nigra	River Birch	Q. falcata	Southern Red Oak
Carya illinoensis	Pecan	Q. lyrata	Overcup Oak
Carya spp.	Hickories	Q. macrocarpa	Bur Oak
Catalpa speciosa	Northern Catalpa	Q. michauxii	Swamp Chestnut Oak
Celtis occidentalis	Hackberry	Q. muehlenbergii	Chinkapin Oak
Diospyros virginiana	Persimmon	Q. nigra	Water Oak
Fagus grandifolia	American Beech	Q. nuttalli	Nuttall Oak
Fraxinus Americana	White Ash	Q. pagoda	Cherrybark Oak
Fraxinus pennsylvanica	Green Ash	Q. phellos	Willow Oak
Gymnocladus dioica	Kentucky Coffeetree	Q. prinus	Chestnut Oak
Halesia Carolina	Silverbell	Q. rubra	Northern Red Oak
Juglans nigra	Black Walnut	Q. shumardii	Shumard Oak
Juniperus virginiana	Eastern Red-Cedar	Q. stellata	Post Oak

Liquidamber styraciflua	Sweetgum	Q. velutina	Black Oak
Liriodendron tulipifera	Yellow-poplar	Robinia pseudoacacia	Black Locust
Magnolia acuminata	Cucumbertree	Sassafras albidum	Sassafras
Nyssa sylvatica	Blackgum	Taxodium districhum	Baldcypress
Pinus echinate	Shortleaf Pine	Tilia Americana	American Linden
Pinus strobus	Eastern White Pine	Tsuga canadensis	Eastern Hemlock
Pinus taeda	Loblolly Pine		

SMALL TREES

UNDER STORY TREES - (Trees that normally achieve an overall height at maturity of fifteen to thirty feet (15' -30'), and can grow under canopy trees).

Botanical Name	Common name	Botanical Name	Botanical Name
Acer pensylvanicum	Striped Maple	Cornus florida	Acer rubrum
Acer spicatum	Mountain Maple	Cotinus obovatus	Smoketree
Aesculus pavia	Red Buckeye	Crateagus spp.	Hawthorn
Alnus serrulate	Alder	Hamamelis virginiana	Witch Hazel
Amelanchier arborea	Serviceberry	Ilex opaca	American Holly
Amorpha fruticose	False Indigo	Magnolia virginiana	Sweetbay
Aralia spinosa	Devil's Walking Stick	Ostryvirginia	Hophornbeam
Asimina triobal	Pawpaw	Oxydendron arboretum	Sourwood
Bumelia lycioides	Buckthorn Bumelia	Rhamnus caroliniana	Carolina Buckthorn
Carpinus caroliniana	Hornbeam	Rhus copallina	Shining Sumac
Castanea pumila	Allegheny Chinkapin	Rhus glabra	Smooth Sumac
Cercis canadensis	Redbud	Rhus typhina	Staghorn Sumac
Chionanthus virginicus	Fringetree	Styras spp.	Snowbell
Cladrastis lutea	Yellowwood	Symplocus tinctorial	Sweetleaf

(as added by Ord. #O-19-01-01-41, Jan. 2019 *Ch1_11-10-20*, and replaced by Ord. #O-19-05-02-40, May 2019 *Ch1_11-10-20*)

14-906. Arborist report. All permit applications for any land disturbance project in the City of Oak Hill shall include a report prepared by a certified arborist outlining how the applicant will comply with all components of this chapter including, but not limited to, the following: tree protection plan, tree removal plan, tree transplant plan and a tree replacement plan, tree types, sizes and quantities.

If no trees are affected, then no arborist report is required. In the event no trees will be affected, the plan submittals shall contain a written note certifying the plans as submitted shall not affect any trees. (as added by Ord. #O-19-01-01-41, Jan. 2019 *Ch1_11-10-20*, and replaced by Ord. #O-19-05-02-40, May 2019 *Ch1_11-10-20*)

14-907. Radnor lake natural area impact zone. The following "invasive plants" are prohibited from being included in the Radnor Lake Natural Area Impact Zone Arborist Report for Tree Transplant and Tree Replacement Plan:

- (1) Tree of Heaven (*Ailanthus altissima*)
- (2) Winter Creeper (*Euonymus fortune*)
- (3) Bush Honeysuckle (*Lonicera maackii*)
- (4) Privet (*Ligustrum vulgare*)
- (5) Mimosa (*Albizia julibrissin*) (as added by Ord. #O-19-01-01-41, Jan. 2019 *Ch1_11-10-20*, and replaced by Ord. #O-19-05-02-40, May 2019 *Ch1_11-10-20*)

14-908. Penalties. Any person or firm, or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to be fined a sum of fifty dollars (\$50.00) per day for each and every violation the person, firm, or corporation is in violation or fails to comply with any of the provisions of this chapter. (as added by Ord. #O-19-01-01-41, Jan. 2019 *Ch1_11-10-20*, and replaced by Ord. #O-19-05-02-40, May 2019 *Ch1_11-10-20*)