
ZONING ORDINANCE

Town of Louisville

Adopted April 11, 2017

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CHAPTER 1

AUTHORITY, TITLE, PURPOSE, JURISDICTION, RELATION TO PLANS AND OTHER REGULATIONS, CONFORMITY, LEGAL STATUS PROVISIONS, EFFECTIVE DATE, AND AMENDMENTS

11-101. Authority

An ordinance, in pursuance of the authority granted by Title 13, Chapter 7, Part 2, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories, and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance; and, to prescribe penalties for the violation thereof.

11-102. Short Title

This ordinance shall be known as the "Zoning Ordinance of the Town of Louisville, Tennessee." The map herein referred to as the "Zoning Map of Louisville, Tennessee," and all explanatory matter thereon are hereby adopted and made a part of this ordinance. A copy of the zoning map shall be kept on file in the Town Hall.

11-103. Purpose

These zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, and welfare of the community, and other purposes as set forth in Tennessee Code Annotated. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities. They have been made with reasonable consideration among other things, as to the character of each district and its particular suitability for particular uses, and, with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

11-104. Jurisdiction

This Ordinance shall be effective throughout the Town of Louisville's corporate limits.

11-105. Relationship to Previous Zoning Ordinance, Subdivision Regulations and Flood Control Ordinance

To the extent that the provisions of this Ordinance are the same in substance as the previously adopted provisions that they replace, and/or to provisions in applicable Subdivision Regulations and Flood Control Ordinance, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular it is the express intent of this Ordinance that a situation that did not constitute a lawful, nonconforming situation under the previously adopted Zoning Ordinance, and amendments thereto, does not achieve lawful nonconforming status under this Ordinance merely by the repeal of the previous Zoning Ordinance.

11-106. Relationship to adopted plans

It is the intention of the Board of Mayor and Aldermen that this Ordinance implements planning policies and the plans adopted by the Planning Commission and affects the zoning adopted by the Board for the Town, as reflected in the land-use plan and other planning and zoning documents. While the Board of Mayor and Aldermen reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Board hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any adopted plans.

11-107. No Use of Land or Buildings Except in Conformity with Ordinance Provisions

(a) Subject to the provisions of this Ordinance addressing nonconforming uses, no person may use, occupy any land or buildings, or authorize or permit the use, occupancy, or sale of land or buildings under his/her control except in accordance with all of the applicable provisions of this Ordinance.

(b) For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

11-108. Legal Status Provisions

It is hereby declared to be the intention of the Board of Mayor and Aldermen that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance, since the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

In the case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance or regulations of the Town of Louisville, the most restrictive provisions shall apply in all cases.

11-109. Effective Date

The first Town Zoning Ordinance became effective March 17, 1998, and was amended several times over the years to present. This Ordinance embodies changes over the years, and contains other changes deemed necessary to address purposes specified. This Ordinance shall supersede all previous versions and shall become effective upon its final reading and publication of caption. The following is summary of actions relating to approval and adoption of this ordinance:

Certified by Planning Commission	November 15, 2016
Public Hearing Held	April 11, 2017
Passed on First Reading	March 14, 2017
Passed on Second Reading	April 11, 2017
Publication of Caption	April 17, 2017

11-110. Amendments

This ordinance, including the regulations and the number or boundaries of districts, established by the zoning ordinance may be amended by the Board of Mayor and Aldermen in accordance with Tennessee Code Annotated Title 13, Chapter 7, Part 2.

No amendment shall become effective unless it is first submitted to the Planning Commission for its review and recommendation. The Planning Commission upon its own initiative may hold a public hearing, public notice of which shall be given, for the consideration of any proposed amendment of the provision of this ordinance, or to the zoning map. The Planning Commission may recommend for approval or disapproval and shall forward its recommendation to the Board of Mayor and Aldermen. If the Planning Commission recommends for disapproval, any amendment shall be required to receive the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen.

Before enacting any amendment to the ordinance, the Board of Mayor and Aldermen shall hold a public hearing at any time prior to final reading. Such public hearing shall conform to requirements of public notice in TCA 13-7-203, including publication of notice in a newspaper of general circulation within the Town no less than 15 days prior to the public hearing.

Any member of the Board of Mayor and Aldermen may introduce amendment or amendments to this ordinance. Any Town official or board may request an amendment or amendments to this ordinance.

Any person may request an amendment or amendments to this ordinance through the following procedure:

1. Application. Persons wishing to have the ordinance amended shall file an application to the Planning Commission through the Administrator. The application shall indicate the proposed amendment to the zoning document and/or amendment to the zoning map (rezoning). Applications for rezoning shall show the location and existing uses on the site, the names of the adjacent property owners and existing land uses, and any other material pertinent to the request which the Planning Commission may require. The Administrator shall set a hearing date for Planning Commission consideration upon consultation with the Planning Commission Chairman.
2. Notice to property owners. Person(s) applying for a rezoning must submit to the Administrator a letter addressed to each owner of property located adjacent to the applicant's property, including property separated from the property in question only by a right of way. The letters shall contain information adequate to notify such owners of the intention to rezone the area for which the application is submitted, and when and where a hearing will be held before the Planning Commission. The applicant shall place such letters in unsealed, stamped, and addressed envelopes, ready for mailing by the Administrator. The return address of the Planning Commission must appear on the envelope, and a list of all persons to whom letters were sent must accompany the application. In addition, the Administrator shall post a sign on the property, stating the nature of the request and a telephone number where additional information may be obtained pertaining to the request. However, the sign shall be posted only as a courtesy to the public, and not as a public notice.

CHAPTER 2

PLANNING COMMISSION, BOARD OF ZONING APPEALS, AND ADMINISTRATOR

PART ONE: MUNICIPAL PLANNING COMMISSION

11-201. Creation and Scope.

In order to guide and accomplish a coordinated and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, the Louisville Municipal Planning Commission is created and established as authorized by Tennessee Code Annotated Title 13, Chapter 4, Part 1, and said Commission shall be organized and empowered as follows.

11-202. Membership.

The Planning Commission shall consist of seven (7) members. One of the members shall be the Mayor of the Town of Louisville or his/her designee. One shall be a member of the Board of Aldermen appointed by the Mayor. The five (5) remaining members shall be citizens appointed by the Mayor. The terms of the five (5) appointed citizen members shall be for five (5) years, with appointments being arranged in staggered manner such that one member's term shall expire each year. Any vacancy in membership shall be filled for the unexpired term by the Mayor. The terms of the Mayor, or his/her designee, and the member selected from the Board of Aldermen shall run concurrently with the Mayor's or Alderman's membership on the Board of Mayor and Aldermen. All members shall serve without compensation.

11-203. Organization, Rules, Staff, and Finances.

The Planning Commission shall elect its Chairman from among its appointed citizen members. The term of the Chairman shall be one year with eligibility for re-election. The Commission shall adopt rules for its transactions, findings, and determinations, and shall keep a record of same which record shall be a public record to be filed in the Town Hall. The Planning Commission may, with approval of the Board of Mayor and Aldermen, appoint such employees and staff as it may deem necessary for its work and may contract attorneys and other professionals, planners and other consultants for such services as it may require. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Mayor and Aldermen.

11-204. Powers and Duties.

From and after the time when the Planning Commission shall have organized and selected its officers, together with the adoption of its rules of procedure, the Planning Commission shall have all the powers, duties, and responsibilities as set forth in Tennessee Code Annotated Title 13, Chapter 4, and other acts and statutes in TCA relating to the duties and powers of Municipal Planning Commissions. The Planning Commission may be assigned duties as review and approval or recommendation body for site plans of certain uses within this ordinance and other ordinances of the Town.

PART TWO: BOARD OF ZONING APPEALS

11-205. Creation and Appointment.

A Board of Zoning Appeals (BZA) is established in accordance with Section 13-7-205, Tennessee Code Annotated. The BZA shall consist of five (5) members appointed by the Louisville Board of Mayor and Aldermen. The BZA members shall be appointed to five (5) year terms, with appointments being arranged in staggered manner such that one member's term shall expire each year. Members of the BZA may be removed from office by the Board of Mayor and Aldermen for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the Louisville Board of Mayor and Aldermen for the unexpired term of the member.

11-206. Meeting Process.

Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman or by a majority of the membership and at such other times as the BZA may determine. The Chairman, or in his/her absence, the acting Vice-Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The BZA shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and other official action, all of which shall be filed in the office of the BZA in the Town Hall, and shall be a public record.

11-207. Powers.

The Board of Zoning Appeals shall have all of the following powers, as granted by Section 13-7-207 of the Tennessee Code Annotated:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the Administrator, building official or other administrative official in the carrying out or enforcement of any provision of this

ordinance.

2. Special Exceptions. To hear and decide special exceptions to this ordinance as specified in this ordinance, make decisions upon any special questions which the Board of Zoning Appeals is authorized to consider under this ordinance, and interpret the zoning map.
3. Variance. To hear and decide applications for variances from the terms of this ordinance, where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property as a lot of record at the time of adoption of this ordinance a specific hardship exists in meeting the requirements of this ordinance, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the BZA may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

11-208. Action of the Board of Zoning Appeals.

In exercising the aforementioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the Administrator or other permit approving body for zoning matters. The concurring vote of a majority of the BZA membership shall be necessary to reverse any order, requirement, decision or determination of the Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

11-209. Appeals.

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Administrator or other permit approving body on zoning matters based in whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the BZA, by filing with the Administrator and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Administrator shall transmit forthwith to the BZA all papers constituting the record upon which the action appeal was taken. The BZA shall set a time for the hearing of the appeal within sixty (60) days after its submittal, give at least a seven (7) day notice of the hearing, as well as due notice to the parties in interest, and

decide on the issue within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

11-210. Procedure for Authorizing Special Exceptions.

The following is established to provide procedures for review of a proposed special exception use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Administrator to determine whether a proposed use is potentially noxious, dangerous, or offensive.

1. Application. An application shall be filed with the Board of Zoning Appeals through the Administrator. Said application shall show the location and intended uses of the site, the names of the property owners and existing land uses adjacent to the property in question, and any other material pertinent to the request which the Board of Zoning Appeals may require.
2. Notice to Property Owners. Person(s) requesting the special exception shall submit to the Administrator a letter addressed to each owner of property located adjacent to the applicant's property, including any owner of property separated from the property in question only by a right of way. The letters shall contain information adequate to notify such owners of the nature of the intended special exception. In addition, the letters shall contain information relevant to the date, time and location of the meeting of the Board of Zoning Appeals. The applicant shall place such letters in unsealed, stamped, and addressed envelopes ready for mailing by the Administrator. The return address of the BZA must appear on the envelope, and a list of all person to whom letters are sent must accompany the application. In addition, the Administrator shall post a sign on the property stating the nature of the request and a telephone number where additional information may be obtained pertaining to the request. However, the sign shall be posted only as a courtesy to the public, and not as a public notice.
3. Conditions and Restrictions. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions regarding the location, character, or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of the zoning ordinance.
4. Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
5. General Requirements. A special exception shall be granted provided that the Board of Zoning Appeals finds that it:
 - a. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;

- b. Will not adversely affect other property in the area in which it is located;
- c. Is within the provision of "special exceptions" as set out in this ordinance;
and
- d. Conforms to all applicable provisions of this ordinance.

11-211. Procedure for Variance Requests.

The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or other exceptional physical conditions of the land, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under the zoning ordinance.

1. Application. After written denial of a permit, or upon advice of the Administrator, a property owner may make application for a variance. Said application shall show the location and intended uses for the site, specific variances sought, and the names of the adjacent property owners and existing land uses.
2. Notice to Property Owners. Person(s) requesting the variance shall submit to the Administrator a letter addressed to each owner of property located adjacent to the applicant's property, including any owner of property separated from the property in question only by a right of way. The letters shall contain information adequate to notify such owners of the intended variance. Information relevant to the date, time, and location of the meeting of the Board of Zoning Appeals shall be included. The applicant shall place such letters in unsealed, stamped, and addressed envelopes ready for mailing by the Administrator. The return address of the Board of Zoning Appeals must appear on the envelope, and a list of all persons to whom letters are sent must accompany the application. In addition, the Administrator shall post a sign on the property stating the nature of the request and a telephone number where additional information may be obtained pertaining to the request. However, the sign shall be posted only as a courtesy to the public, but not as public notice.
3. Standards for Variances. In granting a variance, the Board of Zoning Appeals shall ascertain that the following criteria are met:
 - a. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the BZA, do not apply generally in the district.
 - b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

- c. For reasons fully set forth in the finding of the BZA, the aforesaid circumstances or conditions are such that the strict application of the provisions of the zoning ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
- d. The granting of any variance shall be in harmony with the general purposes and intent of the zoning ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- e. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.

11-212. Appeals from the Board of Zoning Appeals.

Any person, firm or corporation, or any governmental office, department, board or bureau aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decision.

PART THREE. ADMINISTRATOR

11-213 Enforcement and Administration

The Mayor of the Town of Louisville has authority for enforcement and administration. Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance may be assigned by the Mayor to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the "Administrator". "Administrator" shall mean the same as "building commissioner" as referred to in Sections 13-7-206 and 13-7-208 of the Tennessee Code Annotated. The Administrator shall have the authority to enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property. In the extended absence of or position vacancy for Administrator, the Mayor may act as the Administrator.

CHAPTER 3
PERMITS

11-301. Permits Required

(a) The use made of property shall not be changed, and substantial clearing, grading, or excavation shall not be commenced, and buildings or structures shall not be constructed, erected, moved, nor substantially altered, except in accordance with and pursuant to one or combination of the following permits:

- (1) A zoning permit issued by the Administrator,
- (2) A zoning permit issued by the Administrator after review and approval by the Planning Commission;
- (3) A special exception permit issued by the Board of Zoning Appeals,
- (4) A sign permit issued by the Administrator,
- (5) A building permit issued by the building official in conjunction with any zoning permit.

(b) Zoning permits and special exception permits and sign permits are issued under this Ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and unless subsequently amended and approved as amended, all development shall occur strictly in accordance with such approved plans and applications. When a building or structure falling under requirements of building codes shall require a building permit, then the building permit shall also be a requirement of any permit under this section.

(c) A zoning permit, special exception permit, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal applicant), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the reviewing body or permit-issuing authority.

11-302. No Occupancy or Use Until Requirements Fulfilled

Issuance of a permit authorizes the recipient to commence the activity resulting in a change in use of the land or (subject to obtaining a building permit) to commence work designed to construct, erect, move, or substantially alter buildings, structures and other improvements. However, except as otherwise provided expressly in this Ordinance, the intended use shall not be commenced, and any building shall not be occupied until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of a permit have been met.

11-303. Who May Submit Permit Applications

(a) Applications for zoning, special exception, and sign permits will be accepted only from persons having the legal authority to take action in accordance with the permit. In general, this means that applications should be made by the owner or lessees of the property, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Ordinance, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).

(b) The Administrator may require an applicant to submit documentation of authority to submit the application in accordance with Subsection (a) whenever there appears to be a reasonable basis for questioning this authority.

11-304. Applications to be Complete

(a) All applications for zoning, special exception or sign permits must be complete before the permit-issuing authority is required to consider the application.

(b) Subject to Subsection (c), an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance.

(c) All design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) shall be in accordance with any public works standards adopted by the Town of Louisville, or in accordance with specifications required by the Town Engineer. The applicant shall provide construction drawings necessary to determine compliance with the standards contained in this Ordinance. Whenever this Ordinance requires a certain element of a development to be constructed in accordance with other specifications, separate and apart from this document, then no construction work on such element may be commenced until detailed construction drawings based on such other specifications have been submitted to and approved by the Administrator. Any construction drawings necessary for administration of building codes shall be submitted to and approved by the building official. Failure to observe this requirement may result in permit revocation or other penalty as provided otherwise in this Ordinance.

(d) It is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Board of Zoning Appeals or the Planning Commission, the applicant may rely in the first instance on the recommendations of the Administrator as to whether more or less information should be submitted.

(e) The Administrator shall develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the Administrator to determine compliance with this Ordinance, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the Administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

11-305. Staff Consultation Before Formal Application

Before submitting an application for any permit under this Ordinance or any other related regulations of the town, applicants are strongly encouraged to consult with the Administrator concerning the application of this Ordinance to the proposed development or other regulated activity. The Administrator may refer the applicant to the town engineer, building official and/or planning staff for further guidance.

11-306. Staff Consultation After Application Submitted

(a) Upon receipt of a formal application for a zoning permit, or special exception or sign permit, the Administrator shall review the application and confer with the applicant to ensure that the applicant understands the requirements of this Ordinance, that applicant has submitted all of the information that applicant intends to submit, and that the application represents precisely and completely what applicant proposes to do.

(b) If the application is for a special exception, the Administrator shall place the application on the agenda of the Board of Zoning Appeals when the applicant indicates that the application is as complete as he intends to make it. However, if the Administrator believes that the application is incomplete, he shall recommend to the Board of Zoning Appeals that the application be denied on that basis.

11-307. Zoning Permits

(a) A completed application form for a zoning permit shall be submitted to the Administrator by filing a copy of the application with the Administrator.

(b) The Administrator shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant as provided in Sections 11-305 and 11-306, that:

- (1) The requested permit is not within his jurisdiction, or
- (2) The application is incomplete, or

- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance (not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with based on a prior nonconforming use), or
- (4) Special procedure option in Section 11-307(c) below are required before final action on the permit request.

(c) If the Administrator determines that the development for which a zoning permit is requested will have or may have substantial impact on surrounding properties, he shall, at least ten (10) days before taking final action on the permit request, send a written notice to those persons who have listed for taxation real property any portion of which is within one hundred fifty (150) feet of the lot that is the subject of the application, informing them that:

- (1) An application has been filed for a permit authorizing identified property to be used or developed in a specified way,
- (2) All persons wishing to comment on the application should contact the Administrator by a certain date, and
- (3) Persons wishing to be informed of the outcome of the application should send a written request for such notification to the Administrator.

11-308. Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit

In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning permit recipient to comply with all of the requirements of this Ordinance prior to commencing the intended use of the property or occupying any buildings, the Administrator may authorize the commencement of the intended used or the occupancy of buildings (insofar as the requirements of this Ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the Administrator and the Town Attorney to ensure that all of the requirements of this Ordinance will be fulfilled within a reasonable period (not to exceed twelve (12) months) determined by the Administrator.

11-309. Special Exception Permits

(a) An application for a special exception permit shall be submitted to the Board of Zoning Appeals by filing a copy of the application with the Administrator.

(b) Subject to Subsection (c) the Board of Zoning Appeals shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:

- (1) The requested permit is not within its jurisdiction, or
- (2) The application is incomplete, or
- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance (not including those the applicant is not required to comply with under the circumstances specified in this Ordinance under the Article entitled Nonconforming Situations).

(c) Even if the BZA finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:

- (1) Will materially endanger the public health or safety, or
- (2) Will substantially injure the value of adjoining or abutting property, or
- (3) Will not be in harmony with the area in which it is to be located, or
- (4) Will not be in conformity with the officially adopted plans of the Town, or
- (5) Will create impacts on public services and facilities which impacts are beyond the capacity of the Town to address with available public funds.

11-310. Burden of Presenting Evidence to the Board of Zoning Appeals and Burden of Persuasion

(a) The burden of presenting a complete application to the Board of Zoning Appeals shall be upon the applicant. However, unless the BZA informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete.

(b) Once a completed application has been submitted, the burden of presenting evidence to the BZA sufficient to lead it to conclude that the application should be denied for any reasons stated in Subsections 11-309(b)(1), (b)(3) or (c) shall be upon the party or parties urging this position, unless the information presented by the applicant in his application and at the hearing is sufficient to justify a reasonable conclusion that a reason exists to so deny the application.

(c) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this Ordinance remains at all times on the applicant.

11-311. Recommendation on Special Exception Permit Applications

(a) When presented to the Board of Zoning Appeals at the hearing, the application for a special exception permit shall be accompanied by an analysis report setting forth the Administrator's and planning staff's findings concerning the application's completeness and the other requirements of this Ordinance, as well as any recommendations for additional requirements to be considered by the Board of Zoning Appeals. Additional requirements shall bear a clear relationship to mitigation of impacts identified in the analysis.

(b) If the analysis and report propose a finding or conclusion that the application fails to comply with any requirement of this Ordinance, it shall identify the requirement in question and specifically state supporting reasons for the proposed finding or conclusions.

11-312. Additional Requirements on Special Exception Permits

(a) Subject to Subsection (b), in granting a special exception permit, the Board of Zoning Appeals may attach to the permit such reasonable requirements in addition to those specified in this Ordinance as will insure that the development in its proposed location:

- (1) Will not endanger the public health or safety,
- (2) Will not injure the value of adjoining or abutting property,
- (3) Will be in harmony with the area in which it is located, and
- (4) Will be in conformity with the officially adopted plans of the Town

(b) The Board of Zoning Appeals may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. If variance of specific requirements is indicated, then the procedure and requirements for variance specified elsewhere in this Ordinance shall be followed.

- (c) All additional conditions or requirements shall be entered on the permit.

(d) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this Ordinance.

(e) A vote may be taken on application conditions or requirements before consideration of whether the permit should be approved or denied.

11-313. Authorizing Use or Occupancy Before Completion of Development Under Special Exception Permits

(a) In cases when, because of weather conditions or other factors beyond the control of the special exception permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this Ordinance before commencing the intended use of the property or occupying any buildings, the Board of Zoning Appeals may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this Ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the BZA and the Town Attorney to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed twelve (12) months).

(b) When the BZA imposes additional requirements upon the permit recipient or when the applicant proposes in the plans submitted to install amenities beyond those required by this Ordinance, the BZA may authorize the permittee to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed if it specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of one or more of the following:

- (1) A performance bond or other security satisfactory to the BZA and the Town Attorney is furnished,
- (2) The nature of the requirements or amenities is such that sufficient assurance of compliance is given by other sections of this Ordinance concerning penalties, remedies for violations and permit revocation.

11-314. Completing Developments in Phases

(a) If a development is constructed in phases or stages, subject to Subsection (c), the provisions of Section 11-302 shall apply to each phase as if it were the entire development.

(b) As a prerequisite to taking advantage of the provisions of Subsection (a), the

applicant shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this Ordinance that will be satisfied with respect to each phase or stage.

(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of the application for permit approval, the applicant shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, and no buildings may be occupied except in accordance with the schedule approved as part of the permit.

11-315. Expiration of Permits

(a) Zoning, special exception, and sign permits shall expire automatically if, within one (1) year after the issuance of such permits:

- (1) The use authorized by such permit has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or
- (2) Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permit has been completed on the site. With respect to phased development, this requirement shall apply only to the first phase.

(b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one (1) year, then the permit or approval authorizing such work shall immediately expire.

(c) The permit-issuing authority may extend for a period up to one (1) year beyond the date when a permit would otherwise expire pursuant to Subsections (a) or (b) if it concludes that: (i) the permit or approval has not yet expired, (ii) the permit or approval recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six (6) months upon the same findings, up to a limit of four (4) years total after date of original permit approval. All such extensions may be granted without resort to the formal processes and fees required for a new permit. After four (4) years total of original permit duration and any successive extensions, the original permit shall expire and a new permit application shall be required to continue.

(c) For purposes of this section, the permit within the jurisdiction of the Board

of Zoning Appeals is issued when such BZA votes to approve the application and issue the permit. A permit within the jurisdiction of the Administrator, or within the jurisdiction of the Administrator with Planning Commission approval of a site plan, is issued when the earlier of the following takes place:

- (1) A copy of the fully executed permit is delivered to the permit recipient and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or
- (2) The Administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions.

11-316. Effect of Permit on Successors and Assigns

Zoning, special exception, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable and run with the land. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

- (1) no person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit, and
- (2) the terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained but also with respect to persons who subsequently obtain any interest in all or part of the covered property.

11-317. Amendment to and Modifications of Permits

(a) Insignificant deviations from any permit issued by the Board of Zoning Appeals or the Administrator are permissible, and the Administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(b) Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that

have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(c) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Administrator, or Planning Commission, or Board of Zoning Appeals, new conditions may be imposed. However, the applicant retains the right to reject such additional conditions by withdrawing the request for an amendment and may then proceed in accordance with the previously issued permit.

(d) The Administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in Subsections (a), (b), and (c).

(e) An applicant requesting approval of changes shall submit a written request for such approval to the Administrator, and that request shall identify the changes. Approval must be given in writing.

11-318. Reconsideration of Board of Zoning Appeals Action

(a) Whenever the Board of Zoning Appeals disapproves an application for a special exception permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the BZA at a later time unless the applicant clearly demonstrates that:

- (1) Circumstances affecting the property that is the subject of the application have substantially changed, or
- (2) New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis must be filed with the Administrator within 60 days of the BZA action to deny. Filing a request to be reheard does not toll or in any way extend the period for appeal in Chancery Court.

(b) Notwithstanding Subsection (a), the Board of Zoning Appeals may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way in the judgment of the BZA from the one previously considered.

11-319. Applications to be Processed Expeditiously

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the Town shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this Ordinance.

11-320. Maintenance of Common Areas, Improvements, and Facilities

The recipient of any zoning, special exception, or sign permit, or successor(s), shall be responsible for maintaining all permit related common areas, improvements, or facilities required by this Ordinance or any permit issued in accordance with additional provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As an illustration, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed. Responsibilities described herein may be assigned to a Homeowners' Association or like group when documents are provided to the appropriate permit-issuing authority and approved by the Town Attorney, which documents assure the existence and financial capacity of the responsible entity.

11-321. Certificate of Occupancy

No land or building or other structure or part thereof shall be occupied until the Administrator shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the zoning ordinance and any conditions of permit. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrator to make a final inspection, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform to the provisions of the zoning ordinance or conditions of permit, or if such certificate is refused, to state the cause for such refusal in writing. The issuance of a certificate of occupancy shall also require separate certification of the building official for any buildings or structures subject to a building permit for building code compliance.

CHAPTER 4.

GENERAL PROVISIONS

11-401. Continuance of Nonconforming Uses and Structures.

Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this zoning ordinance, or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. General. The Board of Zoning Appeals may permit as a special exception an existing nonconforming use of a building to be changed to another use of a less impactful nature even though not allowed in the zone, subject to any conditions the Board of Zoning Appeals may attach in order to make such change compatible with surrounding uses. This special exception change may only be implemented once, after which any change in use shall be in conformity with the zone.
2. Industrial, Commercial, and Business Nonconforming Uses. In accordance with the provisions of 13-7-208, Tennessee Code Annotated, nonconforming industrial, commercial, or business establishments shall be allowed to continue, to reconstruct facilities, including those which may be destroyed by fire or natural disaster, or to expand facilities so long as there is a reasonable amount of space to allow such expansion without creating a nuisance to adjoining property owners. Whenever a planned expansion or reconstruction would encroach into the required yards set out in this ordinance for the district within which such nonconforming use is located, the Board of Zoning Appeals shall rule upon the question of whether or not there is "reasonable space" to allow such expansion. Nothing in this subsection, however, shall be construed as allowing a nonconforming use to acquire additional land to permit expansion.
3. Residential Uses and Structures. Single family, duplex, and multi-family dwelling units which are located in any district where not now permitted, may be altered, enlarged, or reconstructed, including those which may be destroyed by fire or natural disaster, provided the number of dwellings is not increased. In the case of expansion to an existing residential structure, all expansions shall be accomplished so as not to encroach into the required yard setbacks for the district within which such expansion is planned. The alteration, expansion, or reconstruction of any structure located within the F-1, Flood Hazard District, however, shall be subject to the applicable location and construction requirements of that district.
4. Nonconforming Mobile Homes. Nonconforming mobile homes may be replaced with newer and more structurally sound mobile homes. Replacement of mobile homes within the F-1, Flood Hazard District, shall

be subject to the applicable location and construction requirements of that district.

11-402. Discontinuance and Abandonment of Nonconforming Uses.

When the following conditions have existed for a period of thirty (30) months, it shall be evidence of an intent to abandon a nonconforming use; and, no use of land or structures shall be undertaken thereafter unless it be in conformity with the provisions of the district within which such property is located.

1. Nonresidential Uses. No employees, customers, or clients are present on site who are there to actively conduct business, give or receive professional services, participate in activities, or use equipment that is considered to be essential to the character and operation of the nonconforming use, and, no serious attempts are being made to market the property for sale for its former use.
2. Residential Uses. No residents, whether they be owners or tenants, are present, and no serious attempts are being made to market the property for sale for its former use.

11-403. Off-Street Automobile Parking.

1. Minimum Parking Requirements. Off-street parking spaces shall be provided when any building or structure is erected, enlarged, and/or increased in seating capacity. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below and shall apply regardless of whether the use is located on a public street or a private street or easement. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the planning commission and by reference to the following: "Parking Standards" edited by Michael Davidson and Fay Dolnick, American Planning Association, Planning Advisory Service Report Number 510/511, published November 2002. Each space shall conform to off-street parking lot design requirements as established in Section 11-405.
 - a. Automobile repair shop and/or truck repair: One (1) space for each employee plus one (1) space for each two hundred and fifty (250) square feet of floor space used for repair work.
 - b. Bed & Breakfast Inn: One (1) space for each room to be rented in addition to the two (2) spaces for the home.

- c. Churches, Funeral Parlors, Theaters, and Other Places of Assembly:
One (1) space for each four (4) seats in the main assembly area plus one (1) space per each employee.
 - d. Dwelling, single-family: Not less than two (2) spaces per dwelling unit.
 - e. Dwelling, multiple-family: Not less than two (2) spaces per dwelling unit.
 - f. Hotels/Motels: Not less than one (1) space for each room to be rented plus one (1) additional space per three (3) employees.
 - g. Mobile home parks: Two (2) spaces for each mobile home space plus one (1) per each employee.
 - h. Offices:
 - a. Medical - one (1) space for each three hundred (300) square feet of floor space.
 - b. Other professional - one (1) space for each four hundred (400) square feet of floor space.
 - c. General - one (1) space for each four hundred (400) square feet of floor space.
 - i. Restaurants: One (1) space per four (4) customers computed on a maximum service capacity, plus one (1) space for each two (2) employees.
 - j. Retail business: Four (4) spaces for each one thousand (1,000) square feet of gross floor area.
 - k. Schools: One (1) space for each faculty member, and five (5) additional spaces for visitor parking; plus, one space for each four (4) pupils except in elementary and junior high schools.
 - l. Wholesale business: One (1) space for each three (3) employees based on maximum employment.
2. Remote Parking Space: If the off-street parking space required herein cannot reasonably be provided on the same lot on which the principal use is located, the planning commission may permit such space to be provided on other off-street property, provided such remote parking space is located within a zoning district which permits the same or similar uses to that use for which the parking is intended, and provided that such remote parking space is within reasonable and safe walking distance and no more than 300 feet from the lot on which the principal use is located.

11-404. Off-Street Loading and Unloading Space.

On every lot or site on which a business is hereafter established, adequate and safe loading and unloading space with access to a public street or alley shall be provided.

11-405. Off-Street Parking Lot Design Requirements.

1. Surfacing Requirements. All required parking and internal circulation areas shall be surfaced with asphaltic concrete, cement concrete, or other similar materials with a suitable stone base and six (6) inch curb unless one of the following conditions are met:
 - a. The parking lot serves a single-family residential home.
 - b. The reviewing body approves gravel or grassed parking lots for use by churches, places of worship, or places of public assembly where it is clear that such areas can be maintained such that adequate traffic control means will be provided for directing the flow of traffic and for parking, and that parking areas will be provided for all regular employees and visitors.
 - c. The reviewing body approves the use of gravel, brick pavers, or other similar pervious materials on those portions of a commercial or industrial lot where limited loading, unloading, commercial vehicle storage, or other similar low volume vehicular usage occurs. Areas which provide customer parking, circulation, and access shall not be exempted from the paving requirements.
2. Location of Parking Spaces. Except as provided elsewhere in this ordinance, parking spaces may be located within any required yard, but not nearer to any street right-of-way than five (5) feet; and, shall be located so that no vehicle is required to back into a public street.
3. Minimum Parking Space and Vehicle Circulation Aisle Size. The minimum size for parking spaces and vehicle circulation aisles shall be as follows:
 - a. Each space shall be a minimum of ten (10) feet in width by twenty (20) feet in length.
 - b. Parking lot aisle widths in off-street parking lots shall conform to the following table:

Degree of Parking	Minimum Aisle Width in Feet			
	one way traffic accessing:		two-way traffic accessing:	
	single row of spaces	two rows of spaces	single row of spaces	two rows of spaces
90	18	22	22	24
60	16	20	18	24
45	14	20	16	24
30	12	20	14	24

- c. If the degree of parking does not equal thirty, forty-five, sixty, or ninety degrees, the aisle width shall equal the measurements for the next largest angle listed in the table above. For example, parking angled at fifty degrees would require the same aisle widths as parking angled at sixty degrees.
4. Ingress/Egress. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 11-406 of this ordinance.
 5. Protection From Fixed Objects. All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands or within barriers designed so as to prevent intrusion by vehicles.
 6. Traffic Control Signs. Signs, signals, and markings used to direct the movement of traffic within the parking lot shall be in conformance with the most current National Manual on Uniform Traffic Control Devices or any similar manual adopted by the Tennessee Department of Transportation. Where needed, size reduction of devices shall be approved; however, shape and color shall meet the requirements of the manual.
 7. Landscaping. Landscaping shall be installed as provided for in Section 11-410.2 and Section 11-411.2.
 8. Handicapped Parking. All off-street parking areas shall reserve spaces for use by disabled persons in conformity with American Disability Act requirements, except that no reserved spaces shall be required for one (1) and two (2) family dwellings. All handicapped parking spaces shall be a minimum of twelve (12) feet in width, adequately identified for handicapped use only, and located in a manner as to be proximate to the major facility, free from standing water, and situated in a way so that a handicapped individual will not have to walk or maneuver behind other parking cars.

11-406. Ingress/Egress Requirements.

The following regulations are designed to protect and promote the safety of the traveling public while providing for adequate access of individual properties to the public streets in the town. No driveway or similar point of access onto a public street, for whatever purpose, shall be established until a permit is obtained for the same. As part of an application for a permit, the applicant shall include an ingress/egress plan which meets the requirements of this section. For uses requiring a site plan or PUD plan, the ingress/egress plan shall be a part of such plan. Uses which wish to have access onto a state or federal highway will need to also obtain an access permit from the Tennessee Department of Transportation, (TDOT), and the property owner shall have the responsibility of coordinating his application for a TDOT permit with the permit review process of this ordinance. Where there is conflict between these regulations and those of TDOT, the stricter shall apply.

1. Driveway Entrance Location.
 - a. Driveway entrances shall be located to afford adequate sight distance for traffic entering onto or exiting from the street to which such driveway connects.
 - b. Driveway entrances shall be located at least five (5) feet from side lot lines, except that a joint use driveway may be allowed along or straddling a joint property line in nonresidential zoning districts if approved by the reviewing body and if established by legal instrument also specifying maintenance. In residential districts, the Administrator may approve such joint use driveways, if they do not violate the intent of this section or any other part of this ordinance.

2. Location/Number of Driveway Entrances. In order to promote traffic safety by limiting points of vehicular conflict, driveway entrances shall be located in accordance with the following provisions, except where more stringent requirements are mandated by the Tennessee Department of Transportation:
 - a. Number. The maximum number of permitted access points for all multi-family, commercial, and industrial developments requiring a site plan shall be determined by the frontage of the lot, tract, parcel, or undivided development, whichever is the largest land area.

Frontage	Maximum Number of Access Points
150' or less	1
151' - 500'	2
501' or greater	3

b. Location.

- i. Multiple Driveways. The separation of multiple driveways on one lot shall be governed by the classification of street which they adjoin and as set out below:

Street Classification	Minimum Distance Between Multiple Driveways
Arterial	200 feet
Major Collector	150 feet
Minor Collector	100 feet
Residential	40 feet

- ii. Separation From Street Intersections. Access points shall be located at the furthest point practical from the intersection of two or more streets. In no case shall the distance of separation be less than eighty (80) feet, measured between the nearest edges of the driveway and the right-of-way of the intersecting street.
- iii. Gradient. Access points shall not exceed a gradient of three (3) percent from the edge of the traveled lane for a distance of twenty (20) feet.
- iv. Non-Conforming Lots of Record. A single point of access shall be permitted for any nonconforming lot of record along a roadway.
- v. Corner Lots. Corner lots shall be accessed from the lesser-traveled road or lesser classification of road except in instances where such access would create an undue hazard to public safety.
- c. Shared Drives and Frontage Roads. Where there are several adjacent properties under single ownership along a collector or arterial road as defined on the Major Road Plan, each with relatively limited frontage, or where there is probability of such development, the reviewing body shall encourage the provision of a shared driveway or frontage road to access individual lots so as to reduce the number of separate connections to the roadway.

- d. Width of Driveway.
 - i. Residential. 10' minimum; 24' maximum.
 - ii. Commercial. 12' minimum; 20' maximum for one-way use
24' minimum; 40' maximum for two-way use
 - e. Driveway Angle to road.
 - i. Two-Way. 90 degrees to centerline of roadway
 - ii. One-Way. 90 degrees to centerline of roadway from one-way driveways with two-way turning movements; 45-60 degrees from one-way driveways with traffic turning only in one direction onto a divided highway with median, or, onto a one-way street.
 - f. Radius of Curvature at intersection to road
 - i. Residential. 5' minimum; 15' maximum.
 - ii. Commercial. 20' minimum; 30' maximum.
3. Driveway Entrance Construction Standards/Stormwater Management. All driveway entrances shall have a paved surface from the edge of the street's pavement to the outer limit of the right-of-way. In all instances, driveway entrances shall be designed and installed to properly accommodate stormwater runoff. Driveways which connect with a public street shall be constructed with any necessary drainage tile or culvert having a concrete headwall at each end of the tile or culvert.
4. Variance. The Board of Zoning Appeals may grant a variance to the ingress/egress requirements put forward by the Zoning Ordinance at the request of the property owner or applicant for a permit. The Administrator must find that strict adherence to the standards would result in a driveway location that hinders the free flow of traffic or creates a hazard on a public or private way. The variance granted must be the minimum necessary to provide relief and ensure public safety.

11-407. Obstruction to Vision at Street Intersection Prohibited.

In all districts there shall be no plants, structures or any other obstructions to view, including fences, placed in or on any yard of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

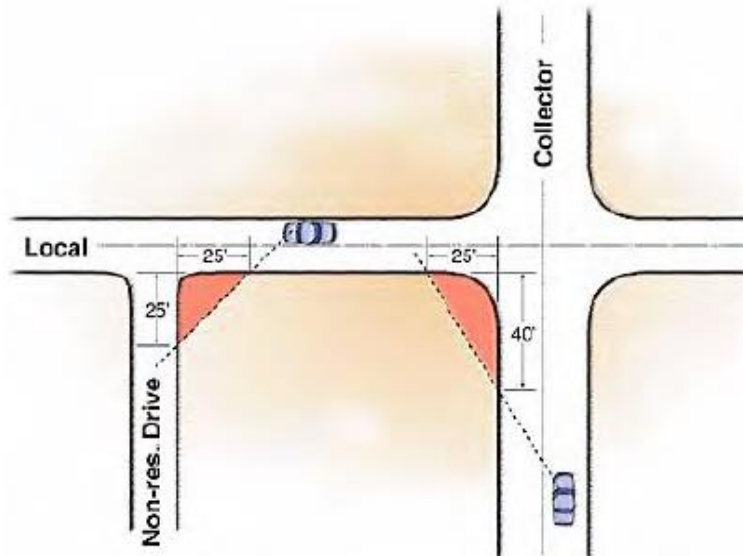
At the intersection of public streets or non-residential (commercial or industrial)

drives, within the triangle area formed by the lines of adjacent edge of pavements of the intersecting streets or drives and a line joining points on such lines at a distance shown below from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and ten (10) feet above the average grade of each street or drive at the intersecting line thereof. The requirements of this section may be varied to accommodate any necessary retaining wall.

The distance along pavement edge shall be the following based on classification of streets in the Louisville Major Street Plan:

Arterial	55 feet
Collector	40 feet
Local Street	25 feet
Non-res drive	25 feet

Illustration for reference.



11-408. Residential Planned Unit Development (PUD) Regulations.

A PUD is an alternative means of developing property for residential use which the Planning Commission may allow or require where flexibility in the standard design requirements of this ordinance are desirable in order to achieve more efficient use of land and public services for the purpose of creating a more desirable living environment.

1. Applicability of PUD Regulations. Cluster type subdivisions, condominiums, and mobile home parks shall be considered as PUDs for the purpose of this ordinance.
2. Relationship of PUD Regulations to District Regulations. PUDs shall be permitted in all districts in which residential uses are permitted.
3. General Requirements. All PUD developments shall comply with the following requirements.
 - a. Minimum Site. No PUD shall have an area less than that considered by the reviewing body to be adequate for the proposed project; however, the minimum site shall not be less than ten (10) times the minimum lot size required in the district in which the proposed project is to be located.
 - b. Structures and Open Space. Structures and open space shall be arranged on the site in such a way that adjacent uses will not be adversely affected.
 - i. No freestanding building shall be closer than twenty (20) feet to any other freestanding building or mobile home.
 - ii. The reviewing body may require that landscape materials, fencing, and/or berms be installed along the perimeter of the property when it is deemed to be in the public interest to do so.
4. Open Space Requirements. Preservation, maintenance, and ownership of any common open space areas shall be established in an appropriate legal manner acceptable to the reviewing body and the Town Attorney.
5. Density Requirements for Residential PUD. The density (units per gross acre) of dwelling units in a PUD shall be no greater than that allowed in the zoning district within which a PUD is located.
6. Street and Utility Construction Standards. Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing or planned streets and ways and with the Town of Louisville Major Road Plan. Whether or not the subdivision of property is proposed within a PUD, all project street and way improvements shall comply with the design and construction standards set out in the subdivision regulations.

Due to the uniqueness of each PUD, the owner/developer of a PUD may request slight adjustments in widths of streets, ways, utility easements, curbing, and similar standards set out in the subdivision regulations; and, upon a determination of good cause being shown for such adjustments, the planning commission may permit changes or alterations in standards, provided the spirit and intent of this section can be preserved.

7. Plan Preparation and Review Process. Applicants for PUD approval shall follow the plan preparation and review process, set out below, except that, the reviewing body may modify this process as may be necessary so long as the intent of this section is not violated.
 - a. PUDs Involving the Subdivision of Property.
 - i. PUD Plan/Preliminary Subdivision Plat. In addition to meeting the applicable provisions of the Subdivision Regulations regarding preparation of a preliminary plat, the PUD plan shall include detailed plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at five (5) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts or legal documents, and other information deemed pertinent by the Planning Commission. Upon approval of the PUD plan and the preliminary subdivision plat by the Planning Commission, development may commence with the installation of public improvements. No lots, however, shall be sold until final subdivision plat approval has been granted by the Planning Commission with all required improvements having either been installed or appropriate security posted for the installation of such improvements.
 - b. PUDs Not Involving the Subdivision of Property. In PUDs in which no individual parcel of property is owned, such as a condominium project, mobile home parks, and similar uses, the following requirements for PUD plan preparation apply:
 - i. PUD Plan. The PUD plan shall include detailed plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at two (2) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, stormwater management plan, and other information deemed pertinent by the Planning Commission.

Upon approval of the PUD plan, appropriate permits may be issued.

8. Changes and Modifications. A PUD project may be changed or modified under conditions established for minor changes and major changes.
 - a. Minor changes. The Planning Commission may approve changes in minor shifts of building locations proposed streets and ways, utilities and easements, recreation and open space areas or other features on the approved plan. However, these changes shall not increase densities, change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.
 - b. Major changes. All changes other than those established as minor shall be considered as major changes to the PUD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a PUD plan.

11-409. Signs.

It is the purpose of this section to establish reasonable and impartial regulations for the location of signs within the zoning districts of the town so as to achieve a more aesthetically desirable environment through flexible and diversified standards that provide for adequate light, air, and open spaces and a reduction in congestion and hazardous conditions within the town. Therefore, all signs erected, replaced, constructed, expanded, or relocated on any property within the town shall conform to the provisions of this section.

1. General Provisions.
 - a. Plans Required. The Administrator shall be provided with plans and specifications identifying the location, type, and design of any sign which requires a permit under the provisions of this section.
 - b. Construction Standards. All signs shall comply with applicable provisions of any building codes adopted by the Town. The Town strongly encourages the use of wood or natural materials in the design and construction of signs.
 - c. Height. No part of any sign shall exceed twenty (20) feet in height.
 - d. Setback. No part of any sign shall be placed closer than ten (10) feet to any public right-of-way or any lot line; except that, entrance/exit signs of no more than three (3) square feet in area and extending no

more than three (3) feet higher above any entrance/exit are permitted at, but not on, the right-of-way.

2. Prohibited Signs and Advertising Devices. The following types of signs are prohibited in the town:
 - a. Signs which include: action, motion, moving materials, or which have any moving parts including, but not limited to, pennants on a string, streamers, and large inflated balloons; or contain rotating or flashing lights or bulbs; or are intermittently lighted; or interfere with the view of traffic or that could be confused with any authorized traffic control sign, signal or device, with the exception of signs that display time and temperature and public service announcements without advertising matter.
 - b. Signs which advertise an activity, business, product or service not conducted on the premises upon which the sign is actually located, including real estate sales/lease signs, except as set out in Section 11-409.4.b.iii.
 - c. Portable and temporary signs, except as permitted under Section 11-409.3.b.
 - d. Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure. No sign shall cover architectural details such as, but not limited to, arches, sills, moldings, cornices, and transom windows.
 - e. Roof signs, i.e., signs, any part of which, extend beyond the highest point of a roof.
 - f. Internally illuminated signs, except as permitted in Section 11-409.3. h, and Section 11-409.4.b.v.
 - g. Projecting signs, i.e., signs that are attached to a building and projecting away from the building in such a way that the face of the sign is not parallel to the building.
 - h. Signs on public property or public right-of-way, including utility poles, except those erected by an authorized public entity.
3. Signs Permitted in all Zoning Districts. The following types of signs are permitted in all districts, subject to the conditions set out below and other applicable provisions of this ordinance. These signs do not require a permit.

- a. Political Campaign Signs. All campaign signs shall be removed by the property owner within fifteen (15) days after the results of an election are certified. All campaign signs must be erected on private property.
- b. Temporary Special Event Signs. Signs not exceeding thirty-two (32) square feet which announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected on private property no more than thirty (30) days prior to the event. All special event signs shall be removed by the property owner within fifteen (15) days of the conclusion of an event.
- c. Parking Areas. Signs internal to parking areas which direct vehicular or pedestrian traffic but bear no advertising. They shall be no larger than three (3) square feet each.
- d. Construction Site Signs. Signs identifying the project contractor, architect, landscape architect, and/or engineer. Such signs shall not exceed thirty-two (32) square feet in area and shall be removed within fifteen (15) days of completion of a project.
- e. Real Estate Sale/Lease Signs. No more than two (2) real estate sale or lease signs shall be located on property being offered for sale or rental. Such signs shall not exceed six (6) square feet in area and shall be removed within fifteen (15) days of the sale or lease. Off-premise directional real estate sales/lease signs are not permitted.
- f. Residential Dwelling Name/Address Signs. For each single-family dwelling unit, one (1) nameplate, not exceeding four (4) square feet in area, indicating name, address, house number, and/or home occupation.
- g. Signs Advertising Agricultural Operation/Products. Signs not exceeding thirty-two (32) square feet in area which identify agricultural activities or products associated with the property on which such sign is located. Signs shall meet setback and construction requirements set out in Section 11-409.1.
- h. Public and Semi-Public Uses. Schools, churches, or similar public and semi-public entities may use a bulletin board, message board, or static (non-moving) monochrome Light-Emitting Diode (LED) message centers not to exceed fifty (50) square feet in display area so long as the total structure does not exceed fifteen (15) feet in height and width, exclusive of any base, pedestal or foundation. No base, pedestal or foundation shall exceed thirty (30) inches in height. LED electronic message centers shall come equipped with dimming technology that automatically adjusts the display's brightness based on ambient light conditions and brightness does not exceed 3-foot

candles above ambient light conditions. The message on any electronic message center shall not be changed more than twice in any twenty-four (24) hour period. Such signs shall meet all other requirements regarding setback and construction standards and shall require a permit from the Administrator. No fee shall be assessed for such signs.

4. Signs Requiring a Permit.

a. Residential Districts.

- i. For subdivisions and PUDs (mobile home parks, apartment complexes), one (1) permanent identification/entrance sign, not to exceed twenty (20) square feet in area nor ten (10) feet in height, is permitted.
- ii. For Bed and Breakfast Inns, one (1) permanent identification/entrance sign, not to exceed twelve (12) square feet in area nor six (6) feet in height is permitted.

b. Commercial and Industrial Districts.

- i. Freestanding Signs. One (1) freestanding sign per development, tract, parcel, or lot shall be permitted. Any such sign shall not exceed fifty (50) square feet in area per side and shall not exceed twenty (20) feet in height.
- ii. Wall Signs. One (1) square foot of wall sign (per business establishment) shall be permitted for each lineal foot of building frontage on the street which provides the principal entrance to an establishment. A wall sign is any sign which is painted on, incorporated into, or affixed parallel to the wall of a building and which extends no more than eighteen (18) inches from the building surface. No wall sign shall extend above the building eaves and in no instance shall any wall sign exceed twenty (20) feet in height.
- iii. Off-premises Directional Signs. Off-premises directional signs are permitted on private property to direct traffic to any business, school, church, etc., when such use is located within the corporate limits. No more than two (2) off-premises directional signs shall be permitted per business or institution neither of which shall exceed three (3) square feet in area nor four (4) feet in height.
- iv. Directory Boards. One directory board per road frontage providing access to a development **may** be allowed in instances in which the public cannot easily identify the

location of a business establishment within a larger development, such as an office building, arcade, etc., from the principal street providing access to such development. The directory board may contain one sign per business, such sign not exceeding three (3) square feet. Any such directory board and signs allowed shall be of a design and material similar to that of the development's freestanding sign.

- v. Electronic Product or Price signs. In the case of a business whose function is the retail operation of gasoline, diesel, kerosene, and oil, a product (price) sign may be installed on a free-standing sign or on the building itself. The sign surface area for a changeable product sign may not exceed twenty-five (25) square feet. If the product sign is installed on a free-standing sign, a changeable copy sign may not be installed on the same free-standing sign. There shall be only one (1) product sign per individual lot or development. The product sign may not be installed as a portable sign.

11-410. Site Plan and Development Regulations for Commercial, Multi-Family, Public, and Semi-Public Uses.

It is the general purpose and intent of this section to require site plans for all new developments or redevelopment of commercial, multi-family, public, and semi-public uses. The purpose of these regulations is to protect the public health, safety, and welfare of the citizens of Louisville through a lessening of traffic congestion, the securing of adequate light and air, the preservation of aesthetic qualities, and the protection of property. These plans shall be subject to review and approval by the Planning Commission as consistent with this ordinance and with the comprehensive planning program of the Town, prior to the issuance of a zoning and building permit.

Mobile home parks, condominiums, cluster subdivisions, and other similar types of projects shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in Section 11-408; except that, unless specifically altered by the provisions of Section 11-408 or the use and development regulations contained in Chapters 7 and 8 or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this section shall also apply to the plan preparation and site development of all PUDs.

In accordance with the provisions of 13-4-104, Tennessee Code Annotated, site plans for any public use including, but not limited to, schools, parks, streets and highways, public buildings, and utilities, shall be submitted to the Planning Commission

for review and approval, and shall be prepared in accordance with the provisions of Section 11-408, Chapters 7 and 8, and this section as may be applicable.

A site plan shall set forth the proposed development of the total tract and shall include the following:

1. General Provisions
 - a. Site plans shall include the following information:
 - i. Dimensions of the site.
 - ii. North point, scale, acreage of site, and location map.
 - iii. Location and dimensions of all existing and proposed structures (including signs), street rights-of-way, sidewalks, and easements.
 - iv. Plans for vehicular and pedestrian circulation, waste water disposal, utilities, solid waste disposal, landscaping and open space, signs, off-street parking, and stormwater drainage. For newly established uses or significant expansions to existing uses disturbing one acre or more of area, a certified stormwater management plan prepared by an engineer or landscape architect shall be included with the site plan, along with any state stormwater permit. The plan shall address the manner in which any increase in amount and/or rate of stormwater runoff resulting during a ten-year storm will be managed.
 - v. Flood hazard areas and TVA flowage easements.
2. Landscaping. Landscaping shall be integrated into the entire site with emphasis on areas within central parking areas, facades, and along property boundaries.
 - a. Parking Areas. Parking areas shall be screened from all streets and adjacent properties with appropriate plant materials, earthen berms, or any combination to a height of four (4) feet. Landscaped islands containing a minimum of one hundred-twenty (120) square feet shall be strategically located within the parking areas. For every twelve (12) parking spaces or fraction thereof, one (1) island shall be designed into the parking area. Islands shall contain a minimum of one (1) deciduous tree with a minimum caliper of three (3) inches and a height of eight (8) feet at time of installation.
 - b. Open Space. One (1) deciduous tree, with a minimum three (3) inch caliper and eight (8) feet in height at the time of installation, shall be planted for each four thousand (4,000) square feet of open space, and designed into the entire site at a rate of thirty-five (35) shrubs per acre,

or fraction thereof. When located adjacent to residentially zoned property, the Planning Commission may require the following additional provisions:

- i. A minimum twenty-five foot planted open space be provided as a visual and noise buffer along all property lines and minor streets that border a residential zone.
 - ii. The open space shall be appropriately landscaped to effectively provide a visual and noise buffer by use of berms and grass, trees, shrubs, or other appropriate plant, and/or opaque fencing, as approved by the planning commission.
 - iii. No off-street parking or drive shall be located in the required buffer area.
 - iv. No accessory building or structures shall be located in the required buffer area.
- c. Landscaping Materials. Material may include trees, shrubs, ground cover, perennials, annuals, art, and the use of building construction materials in a manner that respects the natural topographic and natural features of the site. Unless specified otherwise, plant material selected shall be capable of obtaining the desired height and density within two (2) years of planting.
3. Outdoor Lighting Standards. Proper design of lighting is important in order to address impacts on surrounding properties and the character of the community. A complete lighting plan shall be part of site plan documents, and the site plan approval body may set appropriate conditions for spill light mitigation during site plan review and approval. The following apply particularly to new developments, and shall also be applied to substantial additions or expansions to existing developments. All lighting structures in existence prior to adoption of these regulations are exempt from further regulations, provided that replacement of structures shall meet all of these regulations.
- a. Maximum spill light (light trespass) at perimeter of the property shall be subject to the following performance standards and requirements:

For property boundaries adjacent to existing commercial use or commercially zoned land, maximum spill light shall be no greater than 0.8 footcandles.

For all other property boundaries, maximum spill light shall be no greater than 0.4 footcandles.

b. Lighting Plan. A qualified professional, either electrical engineer, certified lighting contractor, or electrical contractor qualified in lighting plans and installation, shall prepare and certify a lighting plan conforming to requirements in these regulations. All lighting plans shall follow standards for footcandle output as established by the Illuminating Engineering Society of North America (IESNA). A light “point by point” footcandle diagram shall be shown on the site plan with a 10x10 foot maximum grid. The diagram shall cover at least ten feet on either side of property lines that border residential zones or uses.

The qualified professional who prepares the lighting plan shall inspect the installation of all lighting equipment, and conduct a performance verification to measure spill light illuminance levels of all lighting after lighting installation, to include night-time field measurements of spill light at a vertical height of 6 feet from ground level at points spaced no greater than fifty feet apart along the perimeter of the commercial property, and at points along the perimeter closest to lighting fixtures. Where lighting installation does not meet required performance standards, the qualified professional shall coordinate adjustment of the lighting installation to meet such standards and again conduct performance verification measurements specified above.

Upon completion of installation, inspection of installation, and performance verification measurements (with any necessary adjustments), the qualified professional shall submit a drawing showing the final measured spill light illumination levels specified at points along the perimeter identified above, with professional stamp (if applicable) and signed certification letter that lighting installation and performance meets all applicable standards and the approved site plan. For phased installation of lighting, new measurements for all lighting, drawing, and certification shall be required for each phase as specified above.

c. All lighting structures of greater than 1000 lumens shall be full cut-off type, mounted facing to the ground with no upward angle, to minimize unnecessary scattering of light. All lighting structures shall be designed and placed so as to minimize light spill and glare to surrounding residential properties.

d. The site plan for lighting shall include all lighting pole locations and luminaire mounting heights, all security and safety lighting structures, and projected spill light illuminance and glare of all lighting combined at property perimeter, meeting standards above. Means for minimizing and mitigating glare shall be part of the lighting plan submitted for site plan review and approval. No light shall be mounted at height greater than 20 feet.

e. Tall shrubs and trees may be considered as screens to reduce glare and spill light.

- f. External lighting of the face of signs or walls of structures shall be placed above the sign or wall and shielded. Sign or wall lighting shall not reflect or glare beyond the face of the sign or wall.
- g. Uplighting is prohibited except in cases where the fixture is shielded from the sky by a roof overhang or similar structural shield, and where the fixture does not cause light to extend beyond the structural shield. Exempt from this is lighting of governmental flags only, provided that the combined lighting is no more than 1300 lumens, and provided that the fixtures shall be shielded such that the lamp(s) is not visible outside a 15-foot radius.
- h. Flashing or intermittent lights, lights of changing degree of intensity, or moving lights shall not be permitted, provided that holiday lights are exempt, and provided that necessary emergency and tower lighting is exempt, and provided that lighting cut-off or dimming at close of business is exempt and encouraged, and provided that sensor activated security lighting is exempt and encouraged.
- i. Luminaires that have a maximum output of 260 lumens per fixture, regardless of number of bulbs, (equal to one 20-watt incandescent light), may be left unshielded provided that the fixture has an opaque top to keep light from shining directly up. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs, (equal to one 60-watt incandescent light) may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
- j. Canopy lights – all lighting shall be recessed to full cut-off standard and recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.
- k. All non-essential exterior lighting is to be turned off after business hours and when not needed. Lights with timer installed are encouraged. Sensor activated lights are encouraged to replace lighting that is desired for security purposes.
- l. Sports lighting – sports field lighting fixtures shall be mounted no higher than 90 feet, provided that such sports field light fixtures shall be a distance 40 feet or height of pole whichever is greater from any adjacent residential or residentially zoned property boundary, and provided that no outside sporting event shall start after 10:00 p.m. or extend beyond 11:00 p.m. with all field lights out by 11:30 p.m., and provided that sports fields shall provide tall vegetative or other acceptable buffering from adjacent properties in order to reduce and mitigate glare.
- m. Temporary lighting such as that used at construction sites or other uses of a temporary nature are exempt, provided that the temporary

lighting shall be aimed so as to minimize glare and light trespass to adjacent properties, turned off after 11:00 p.m. (except for necessary security lighting), and turned off after completion of project.

n. Definitions

Bulb - the source of electric light. This is to be distinguished from the whole assembly (See Luminaire).

Fully Shielded - outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixtures at angles above the horizontal plane. This means that the shield is not flush or parallel with the light source or bulb. This is referred to in this document as a full cut-off-fixture.

Fixture -- The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Flood Light - a lamp that produces up to 1800 lumens and is designed to "flood" a well-defined area with light. Generally, flood lights produce from 1000 to 1800 lumens.

Full Cut-Off (fco) -- a light fixture which cuts off all upward transmission of light, and as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted as defined by the IESNA..

Footcandle - illuminance produced on a surface one foot from a uniform point source of one candela. Measured by a light meter.

Glare -- The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

IESNA - the Illuminating Engineering Society of North America (IESNA), the professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Illuminance - the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or foot candles.

Lamp - the source of electric light: the bulb and its housing. This is to be distinguished from the whole assembly (See Luminaire).

Light trespass - light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited (also called spill light)

Lumen -- a unit of light measurement, measure of brightness of the illumination exiting a bulb; the light output of a lamp with a uniform luminous intensity of one candela. One footcandle is one lumen per square foot.

Luminance - the physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaries, sky, or reflecting material) in a specified direction. It is the luminous intensity of an area of the surface divided by that area.

Luminaire - a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Outdoor Lighting and Light Fixtures - outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Fixtures that are installed indoors that are intended to light something outside are considered outdoor lighting. Such devices shall include, but are not limited to search, spot, or flood lights for:

- 1) buildings and structures, including canopies and overhangs
- 2) recreational areas
- 3) parking lot lighting
- 4) landscape lighting
- 5) billboards and signs
- 6) display and service areas

Recessed - means that a fixture is built into a structure or portion of a structure such that the fixture is fully cutoff and no part of the lamp extends or protrudes beyond the underside or any portion of the structure.

Spill light - light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited (also called light trespass).

Uplighting - lighting that is directed in such a manner as to shine light rays above the horizontal plane.

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

11-411. Site Plan and Development Regulations for Industrial Uses.

It is the intent of this section to require site plans for all new industrial uses as well as any non-industrial uses which are permitted by right or special exception in the industrial districts of the town and shall apply to the expansion or redevelopment of any existing uses within the town's industrial districts. The purpose of these regulations is to protect the public health, safety, and welfare of the citizens of Louisville through a lessening of traffic congestion, the securing of adequate light and air, the preservation of aesthetic qualities, and the protection of property. These site plans shall be reviewed and approved by the planning commission as being consistent with the intent of this ordinance and the comprehensive planning program of the town prior to the issuance of a building permit.

In accordance with the provisions of 13-4-104, Tennessee Code Annotated, site plans for any public use including but not limited to schools, parks, streets, and highways, public buildings, and utilities, shall be submitted to the Planning Commission for review and approval, and shall be prepared in accordance with the provisions of this ordinance, Chapters 7 and 8, and this section, as may be applicable.

A site plan shall set forth the proposed development of the total tract and shall include the following:

1. General Provisions
 - i. Dimensions of the site.
 - ii. North point, scale, acreage of site, and location map.
 - iii. Location and dimensions of all existing and proposed structures (including signs), street right-of-way, sidewalks, and easements.
 - iv. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, signs, off-street parking, and storm water drainage. For newly established uses or significant expansions to existing uses disturbing one acre or more of area, a certified stormwater management plan prepared by an engineer or landscape architect shall be included with the site plan, along with any state stormwater permit. The plan shall address the manner in which any increase in amount and/or rate of stormwater runoff resulting during a ten-year storm will be managed.

v. Flood hazard area.

2. Landscaping. Landscaping shall be integrated into the entire site with emphasis on areas within central parking areas, facades, and along property boundaries.
- a. Parking Areas. Parking areas shall be screened from all streets and adjacent properties with appropriate plant materials, earthen berms, or any combination to a height of four (4) feet. Landscaped islands containing a minimum of one hundred-twenty (120) square feet shall be strategically located within the parking areas. For every twelve (12) parking spaces or fraction thereof, one (1) island shall be designed into the parking area. Islands shall contain a minimum of one (1) deciduous tree with a minimum caliper of three (3) inches and a height of eight (8) feet at time of installation.
- b. Open Space. (as amended by ordinance no. 2000-4) One (1) deciduous tree, with a minimum three (3) inch caliper and eight (8) feet in height at the time of installation, shall be planted for each four thousand (4,000) square feet of open space, and designed into the entire site at a rate of thirty-five (35) shrubs per acre, or fraction thereof.

When located adjacent to residentially zoned property, the planning commission may require the following additional provisions:

- i. A minimum twenty-five foot planted open space be provided as a visual and noise buffer along all property lines and minor streets that border a residential zone.
- ii. The open space shall be appropriately landscaped to effectively provide a visual and noise buffer by use of berms and grass, trees, shrubs, or other appropriate plant, and/or opaque fencing, as approved by the planning commission.
- iii. No off-street parking or drive shall be located in the required buffer area.
- iv. No accessory building or structures shall be located in the required buffer area.
- c. Landscaping Materials. Material may include trees, shrubs, ground cover, perennials, annuals, art, and the use of building construction materials in a manner that respects the natural topographic and natural features of the site. Unless specified otherwise, plant material selected shall be capable of obtaining the desired height and density within two (2) years of planting.

3. Emissions.
 - a. No use shall create noise, vibrations, dust, odor, or fumes which are in any way harmful to or endanger the health, safety, and general welfare of the public. In the case of uses which are regulated for air, water or other emissions by the Tennessee Department of Environment and Conservation or other agency, any plans and/or permits required by such agencies shall be submitted with the site plan.
 - b. Uses creating undue glare shall provide shielding so that glare cannot be seen off the site.
 - c. If the town determines a violation of these emission standards is occurring, it shall be authorized to take whatever action it deems appropriate to safeguard the health, safety, and general welfare of the public. The burden of proof that no such violation is occurring or has been abated shall rest solely with the industrial use involved.
4. Outdoor Lighting Standards. All industrial site plans shall conform to requirements of Section 11-410.3 for commercial outdoor lighting standards.
5. Expiration of Approved Site Plans. Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

11-412. Site Plans for Individual Single-Family and Duplex Residences.

Prior to the issuance of building permit for residential construction or any accessory structure, an applicant shall submit three (3) copies of a scaled site plan to the Administrator. The Planning Commission is not required to review such plans, but no permit shall be issued until the Administrator has reviewed and approved such plan. Site plans for these uses shall include the following information:

1. A survey of the property boundaries showing adjacent right-of-ways, if deemed to be necessary by the Administrator.
2. Dimensions and location of the existing and proposed building(s) and location of all setback lines.
3. Location of driveway, water lines, and other pertinent natural or man-made features of the site.

4. A title block indicating the scale of the site plan, date, property owner, and reference to any subdivision and lot number, tax map and parcel number, and property number, if applicable.
5. Plans shall be at least 8 1/2" x 11".
6. Lot lines shall be clearly identified on the site prior to beginning construction.

11-413. Temporary, Mobile, Factory-Built, or Factory Assembled Structures.

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

1. Permitted Temporary, Mobile, Factory-Built, or Factory Assembled Structures. The following structures shall be allowed subject to the provisions of this and other applicable sections of this ordinance and upon obtaining the proper permits from the Administrator.
 - a. Mobile homes located in approved mobile home parks and on single lots in the R-1 zoning districts for occupation as dwellings.
 - b. Manufactured/modular dwelling units and nonresidential prefabricated structures or modular building units manufactured off-site and transported to the point of use and installed on permanent concrete or masonry foundation as a finished building with permanent sewer or water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the Tennessee Department of Commerce and Insurance or other approved inspection agency, as provided for in Title 68, Chapter 126 and any other provisions of Tennessee Code Annotated.
 - c. Temporary office and storage buildings located on approved construction sites in all zoning districts, provided they are removed upon completion of construction.
 - d. Customary accessory storage buildings in approved residential locations. Mobile homes shall not be considered as customary accessory storage buildings in any residential district nor shall mobile homes be stored upon any lot in a residential district.

- e. Tents used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed.
 - f. Tents or temporary buildings used to sell fresh produce locally grown in Blount County during the growing season, or Christmas trees during the holiday season in the R-1 and C-1 districts.
2. Replacement of Nonconforming Mobile Home Dwellings. See Section 11-401.4 of this ordinance.
 3. Establishment of New or Expansion of Existing Mobile Home and Recreational Vehicle Parks. Expansion of these uses shall be subject to the provisions of Section 11-408 and other applicable sections of this ordinance.

11-414. Customary Home Occupations.

The following uses shall be permitted as home occupations of owners within owner occupied dwellings or accessory structures within all residential zoning districts, subject to the applicable provisions of the zoning districts and the limitations and requirements set out in subsection 2 below:

1. Permitted Home Occupations.
 - a. Arts and crafts made by the owners of the premises.
 - b. Professional offices for architects, real estate brokers, engineers and other contract workers whose businesses rarely require clients to visit the home.
 - c. Teaching, including tutoring, musical instruction, or dancing, but limited to one (1) pupil per teacher at any given time.
 - d. Beauty/barber shops.
 - e. Antique sales.
 - f. Seamstress, interior designer, or caterer.
 - g. Any other use which the Board of Zoning Appeals finds to be of similar character as a special exception.
2. Requirements/Limitations Regarding the Operation of Home Occupations.

- a. Location on Premises. A home occupation shall be conducted within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use.
- b. Exterior Alterations. No alterations to the exterior appearance of the principal residential building or accessory structure or premises shall be made which changes the character thereof as a residence.
- c. Outdoor Display or Storage. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- d. Employees. No persons other than a member of the immediate family occupying such dwelling, and two (2) persons not a member of such family, may participate in or be employed by such occupation.
- e. Level of Activity. The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
- f. Traffic, Parking. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and public right of way.
- g. Equipment and Production Processes. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or vocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation; and, 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 premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- h. Signs. No signs accessory to such home occupation shall be displayed except as permitted or authorized by Section 11-409.3.f.

11-415. Swimming Pools.

1. Accessory Use to Single-Family Dwellings. Swimming pools as an accessory use to a single-family dwelling are permitted, provided that no part of a swimming pool, including aprons, walks, and equipment rooms, shall be located closer than five (5) feet to any side or rear property line. A fence or wall, five (5) feet in height designed so as to prevent uncontrolled access by children or pets from the street or adjacent properties into the pool areas, shall be constructed and maintained in good order.
2. Accessory Use Within Multi-Family and other Similar Developments. Swimming pools as an accessory use to a multi-family development, mobile home or recreational vehicle park, or similar uses are permitted. The location and development requirements for swimming pools within such developments shall be governed by the provisions of Section 11-410 of this ordinance.

11-416. Gasoline Service Stations.

No gasoline pumps nor any part of a canopy structure shall be located any closer than ten (10) feet to any street right-of-way line.

11-417. Wireless Telecommunication Towers and Antennas.

The purpose of this section is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the Town and surrounding area; (4) encourage the joint use of new and existing tower sites rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) consider the public health and safety effects of communication towers; and (8) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

- A. Definitions. As used in this section, the following terms shall have the meanings set forth below:

Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

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.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

B. Applicability and Exceptions.

1. New Towers and Antennas. All new towers or antennas shall be subject to regulations in this section, except as provided in subsections B.2 through B.5 below, inclusive.

2. Amateur Radio Station Operator/Receive Only Antennas. This Section shall not apply to any tower, or the installation of any antenna on such tower, that is seventy (70) feet in height or less, and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers greater than 70 feet in height and found within this Section shall continue to apply.

3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section.

4. AM Array. For purposes of implementing this Section, an AM array, consisting of one or more tower units and supporting ground system which

functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. The provisions of this Section shall not apply to additional array tower units of equal or lesser height within the perimeter of the AM array.

5. Governmental, Emergency Communication and Airport Uses. The provisions of this Section shall not apply to towers, and antennas on such towers, located on property owned, leased, or otherwise controlled by governmental jurisdictions, airport authorities or utility providers, and required for governmental functions, air traffic control and communication, or emergency communications.

C. General Provisions and Requirements

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with other development regulations, including but not limited to setback requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased areas within such lot.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, within the Town of Louisville and surrounding Blount County and any of its municipalities and within 5,000 feet outside the boundary of Blount County, including specific information about the location, height, and design of each tower. All applications and documents submitted to the Administrator shall be subject to the Tennessee Public Records Act, Tennessee Code Annotated, Sections 10-7-503, *et seq.*

4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. 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. Where lighting is required by FAA such lighting shall be of the “dual lighting” provisions as defined by the FAA (white during the day and red during the evening hours), or in the alternative, the structure may be red lighted and marked (painted) as prescribed by the FAA regulations.

6. Structural Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable state building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

7. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the entirety of the Town of Louisville and surrounding area irrespective of municipal and county jurisdictional boundaries.

8. Franchises, Authorizations, Licenses and Permits. Owners and/or operators of towers or antennas shall certify that all franchises, authorizations, licenses, and permits required by law or governmental regulations for the construction and/or operation of a wireless communication system in the Town of Louisville have been obtained and shall file a copy of all required franchises, authorizations, licenses and permits with the Administrator.

9. Public Notice. For purposes of this Section, any special exception request, variance request, or appeal of an administrative decision shall require public notice to all abutting property owners and all owners of properties that are located within one thousand (1,000) feet of the property on which a tower is proposed or a decision is sought, in addition to any notice otherwise required by other requirements in the zoning ordinance.

10. Signs. No signs shall be allowed on an antenna or tower or within the tower compound, except for a property identification sign as provided in other sections of the zoning ordinance, and structure identification signs as may be required by the FCC or the FAA. Such signs shall not exceed four square feet in area or as required by the FCC or FAA, and shall be mounted no higher than six feet from the finished grade of the ground or as required by the FCC or FAA.

D. Towers shall be a special exception use in any zone and subject to special exception procedures for the Board of Zoning Appeals, with the following provisions and requirements.

1. In granting a special exception, the Board of Zoning Appeals may impose conditions to the extent the Board concludes such conditions are

necessary to minimize adverse effects of the proposed tower on adjoining properties.

2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under regulations of the State of Tennessee for such certifications.

3. For any tower, a site plan shall be required under provisions of Section 11-410, with the following additional information:

(a) 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 municipality or county), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other accessory structures, topography, parking, and other information deemed by the Board of Zoning Appeals to be necessary to assess compliance with other provisions in the zoning ordinance.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit.

(d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 11-417.C.3 shall be shown on a map of scale not less than one-inch equal 2000 feet. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) A landscape plan showing specific landscape materials for buffering from surrounding properties.

(f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination of the tower.

(g) A description of compliance with other applicable provisions and regulations contained in the zoning ordinance, and all applicable federal, state or local laws and regulations.

(h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(i) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, which could provide the services intended to be provided through the use of the proposed new tower.

(j) A description of the feasible location(s) of future towers or antennas within the Town of Louisville and surrounding Blount County and its municipalities based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

4. In addition to any standards for consideration of special exception applications found in Chapter 2, the Board of Zoning Appeals shall consider the following factors in determining whether to approve a special exception, although the Board may waive or reduce the burden on the applicant of one or more of these factors if the Board concludes that the goals of this Section are better served thereby: (a) Height of the proposed tower; (b) Proximity of the tower to residential structures and subdivisions; (c) Nature of uses on adjacent and nearby properties; (d) Surrounding topography; (e) Surrounding tree coverage and foliage; (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; (g) Proposed ingress and egress; and (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection 11-417.D.5 (following).

5. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower 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 that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board 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 any of the following:

(a) No existing towers or structures that meet applicant's engineering requirements, including but not limited to height and structural strength, are located within the Town or surrounding area.

(b) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(c) 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.

(d) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(e) 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.

6. Setbacks. The following setback requirements shall apply to all towers for which a special exception is granted; provided, however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this Section would be better served thereby:

(a) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for commercial uses.

7. Separation. The following separation requirements shall apply to all towers and antennas for which a special exception is granted; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this Resolution would be better served thereby.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses. Separation distance shall be 200 feet or 300 % the height of the tower, whichever is greater, in relation to an existing residential use or a platted subdivision lot intended predominantly for residential use.

(b) 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 the following table.

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

8. Security fencing. Towers shall be enclosed by security fencing not less than six feet 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.

9. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is granted; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this Section would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of 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 (4) feet wide along the outside the perimeter of the compound.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) 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 buffer if measures are proposed which will maintain such natural growth.

E. Accessory Cabinets or Structures.

A cabinet or structure accessory to an antenna shall be of sufficient area to accommodate the electronics required for the antenna and no greater than twelve feet in height. If the accessory cabinet or structure is associated with a tower on top of a building, then the cabinet or structure shall occupy no more than ten percent of the area of the roof of the structure on which the tower is attached. The cabinet or structure shall be constructed of materials that as much

as possible blend in with other surrounding structures. The cabinet or structure shall be no closer than 40 feet to any residential lot line. Structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches. The requirements for floor area may be modified by the Board of Zoning Appeals to encourage collocation of antennas.

G. Removal of Abandoned Antennas and Towers.

Notwithstanding any other provision in the zoning ordinance, 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, or the owner of the real property upon which the abandoned antenna or tower is located, shall remove the same within ninety (90) days of receipt of notice from the Administrator 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 or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

H. Nonconforming Uses

1. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. 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 for such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

3. Bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special exception and without having to meet the separation requirements specified in Sections 11-417.D.7. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility. If such tower or antenna is not rebuilt within twelve months of destruction, then the tower or antenna shall be deemed abandoned as specified in Section 11-417.G and shall not be rebuilt.

I. Applications for the installation, erection and/or construction of Antennas, cabinets, shelters or similar equipment or structures may be approved by and permits issued by the Administrator.

J. Drainage and Erosion Control. Measures to control erosion and drainage on a tower site shall conform to the requirements noted in Section 11-410 of this Ordinance.

11-418. Cemeteries.

The establishment or expansion of a cemetery shall be considered a semi-public use and shall be subject to the provisions of Section 11-410 and other applicable provisions of this ordinance, except that, all structures and facilities including, but not limited to, mausoleums, graves, burial lots, monuments, and maintenance buildings, shall be set back at least twenty five (25) feet from any side or rear property line, except where other provisions of this ordinance may require a greater setback.

11-419. Grand Openings.

1. Location. Grand opening events may be held only by commercial enterprises located within the C-1 zoning district.
2. Permitting Process. Any commercial enterprise wishing to hold a grand opening must apply at Louisville Town Hall for a permit. No fee shall be charged for this permit. The maximum permitted duration for a grand opening event shall be fourteen calendar days in length.
3. Permitted Signs and Activities. The holder of a valid Grand Opening Permit may erect temporary signs and structures, the number of which exceed the provisions in Section 11-409 of the Zoning Ordinance. However, any signs and activities associated with the grand opening shall in no instance infringe upon public right-of-ways or in any way limit the sight distance or safe circulation of pedestrian or vehicular traffic.
4. Dismantling. All temporary signs and structures associated with a grand opening event must be dismantled within fifteen (15) days of the expiration of the permit.

11-420. Computation of Time

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded in the computation.

CHAPTER 5
APPLICATION OF REGULATIONS

11-501. Use.

Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified in this Ordinance for the district in which it is located.

11-502. Street Frontage.

No building shall be erected on a lot which does not meet at least one of the following criteria, except for residential planned unit developments which may be excluded from this provision through the plan approval process for planned unit developments:

1. Frontage of at least twenty-five (25) feet on a public street. If an approved public street is inadequate to serve a proposed development, the developer may be required to improve the existing street to approved town standards.
2. Frontage of at least twenty-five (25) feet on a private joint permanent easement as approved by the Planning Commission in accordance with the Louisville Subdivision Regulations.
3. A single lot provided access by a 25-foot driveway easement as approved by the Planning Commission in accordance with the Louisville Subdivision Regulations.

11-503. Corner Lots.

A corner lot fronts on two or more streets. The required front building setback applies to each frontage.

11-504. One Principal Use on a Lot.

Only one principal use and its customary accessory activities may hereafter occur on any lot, except that two single family structures may be allowed on a single lot as provided in Section 11-701.2.e.

11-505. Reduction of Lot Size.

No lot shall be reduced in area so that yards, lot width, building area, or other provisions of this ordinance shall not be maintained.

11-506. Yard and Other Spaces.

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

11-507. Accessory Building and Use Regulations.

Buildings and/or uses which are customarily incidental and subordinate in size and function to the principal use of a site are considered to be accessory buildings and/or uses and are permitted on the same lot with a principal use. The establishment of accessory buildings and/or uses shall be subject to the following provisions and other applicable provisions of this ordinance:

1. General Provisions.

- a. No accessory structure shall be occupied or used unless the principal structure to which it is accessory is occupied or being used.
- b. If an accessory building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply with the requirements of the ordinance applicable to a principal building, such as setback, height, etc.

2. Location.

- a. Residential districts. Except for general farming structures, accessory buildings not exceeding one (1) story or fourteen (14) feet in height, and occupying less than twenty (20) percent of the required rear yard, may be located as close as five (5) feet from the rear property line, except as may be provided for in Chapter 8. No accessory buildings or uses shall be permitted within any required front or side yard, except for perimeter fencing and such items as mail boxes, yard ornaments, and light fixtures, located so as not to create a nuisance or safety hazard to neighboring property or the public.
- b. Commercial and Industrial Districts. The location of accessory uses and structures shall be in accordance with the provisions of Sections 11-410 and 11-411, and Chapters 7 and 8 of this ordinance.

3. Off-Street Parking and Loading Facilities. These facilities shall be located in accordance with the provisions of Sections 11-403 through 11-405.
4. Signs. The size, type, and location of signs shall be governed by Section 11-409 and other applicable sections of the ordinance.

11-508. Height and Density.

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

CHAPTER 6
ESTABLISHMENT OF DISTRICTS

In accordance with the intent and purpose of this ordinance, the following zoning district classifications are hereby established:

- R-1 District - Residential and Agricultural
- NC-1 District - Neighborhood Commercial
- C-1 District – Commercial
- M-1 District - Light Industrial
- F-1 District - Flood Hazard (see separate ordinance)

The boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning Map of Louisville, Tennessee," and any amendments which may be made thereto. This map is hereby made a part of this ordinance. The official copy of the map shall remain on file at the Louisville Town Hall.

Unless otherwise specifically indicated on the map, the boundaries of districts are to be considered property boundary lines, the center lines of streets or such lines extended, the corporate limit lines, or the center lines of streams or other bodies of water. When questions arise concerning the precise location of a district boundary, the Board of Zoning Appeals shall render a decision as to its location in the manner provided for appeals in Chapter 2 Part 2 of this ordinance.

CHAPTER 7

PROVISIONS GOVERNING USE DISTRICTS

11-701. R-1 Residential and Agricultural.

It is the purpose and intent of this district to provide areas that are suitable for low density residential uses, agriculture, and other uses compatible with these uses and to minimize the conflicts between such uses and those permitted in adjoining zoning districts so as to secure for the persons who reside in this district a comfortable, healthy, safe, and pleasant environment in which to live.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Chapters 4, 7, and 8).

1. Permitted Uses.

- a. Agriculture; except that, the keeping or raising of swine, commercial poultry farms, and other types of high intensity commercial livestock operations shall not commence nor expand operations until a sketch plan, as set out in Section 11-412., has been reviewed and approved by the Planning Commission.
- b. Single family dwellings.
- c. (reserved)
- d. Mobile homes on single lots.
- e. Mobile home parks developed in accordance with applicable provisions of Section 11-408 and 11-410.
- f. Multi-family dwellings developed in accordance with applicable provisions of Section 11-408 and 11-410.
- g. Publicly owned buildings and uses; schools offering general education; churches; lodges and fraternal organizations; day care homes of seven (7) or less children; country clubs, tennis clubs, and other similar uses which characteristically provide recreation or leisure activities for nearby residents on a membership basis, provided:
 - i. A site plan prepared in accordance with Section 11-410 is submitted to the Planning Commission for review.

- ii. All buildings are set back at least fifty (50) feet from side and rear property lines; unless adjacent to property zoned C-1 or M-1.
 - iii. An evergreen plant buffer and/or obscuring fence at least four (4) feet in height is placed along side and rear property lines, if required by the Planning Commission.
 - iv. The site is located on a street capable of providing safe and convenient access for such uses.
- h. General utility uses, subject to setback requirements set out in Section 11-904 for those uses which exceed the maximum height restrictions of the district.
 - i. Customary home occupations, subject to the requirements of Section 11-414.
 - j. Customary accessory buildings, structures, and uses, subject to the requirements of Section 11-507.
 - k. Signs, subject to the requirements of Section 11-409.
 - l. Off-street parking and access control is required, and shall be developed in accordance with the provisions of Sections 11-403 to 406.
 - m. Temporary office and storage buildings located on approved construction sites, provided they are removed upon completion of construction.
2. Special Exception Uses. The following uses may be permitted after review and a finding of the Board of Zoning Appeals that such use is compatible with surrounding land uses and can be supported with existing infrastructure. In approving such uses, the BZA may impose reasonable conditions upon its operation to insure its continued compatibility with surrounding uses. Prior to considering a request for a special exception for the following uses, the BZA shall advertise a public hearing on the matter at least ten (10) days prior to the date of such hearing and shall require the submission of site plan prepared in accordance with applicable provision of Section 11-410:
- a. Residential facilities used for the care of aged or physically handicapped persons.
 - b. Day care centers serving more than seven (7) children.

- c. Bed and Breakfast Inns; provided, the following requirements are met:
 - i. Bed and Breakfast Inns shall consist of a single dwelling unit occupied by the owner or innkeeper and not more than five (5) guest rooms where lodging is provided with or without meals for compensation;
 - ii. Only existing structures which are of the same character and are compatible with the surrounding area and intent of the zoning district are used; so long as their integrity and character are not destroyed;
 - iii. A site plan, prepared as regulated in Section 11-410 is reviewed and approved by the planning commission;
 - iv. A planted buffer with a minimum of four (4) feet in height at the time of planting be required to be placed along all side and rear property lines, or other suitable screening as approved by the Planning Commission;
 - v. Off-street parking requirements in Section 11-403 are met;
 - vi. Guest parking located within one hundred feet of a property line shall be screened from view on that side by vegetation;
 - vii. Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.

- d. Wedding and Special Event Venue, providing the following requirements are met:
 - i. The primary and principle use of the property is residential and the owner or manger utilizes the property as a primary residence;
 - ii. Only existing fixtures or structures which are of the same character and are compatible with the surrounding area and intent of the zoning district are utilized and the integrity and character of the surrounding area is not destroyed;
 - iii. No more than 18 (eighteen) events may take place in any calendar year;

- iv. No more than 1 (one) event may take place during any calendar week;
 - v. All events shall be conducted in compliance with the Town's noise, lighting and sign ordinances and in no event shall amplified music occur after 9:00 p.m.;
 - vi. Temporary structures, such as tents and portable toilets, may be erected no more than three days before the event and shall be removed no later than 3 days after the event, and a minimum of one toilet facility, including portable toilets, shall be available for every 50 guests;
 - vii. A site plan, prepared as regulated in Section 11-410 is reviewed and approved by the Planning Commission;
 - viii. A planted buffer may be required by the Planning Commission or Board of Zoning Appeals;
 - ix. Traffic load and parking sufficient to handle the proposed use shall be reflected in the site plan and, depending on the proposed use, ingress and egress may be restricted by the Planning Commission or Board of Zoning Appeals to arterial roads as reflected on the Town of Louisville Official Road Survey and Map; and
 - x. Any outside lighting of parking lots or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
- e. On a single lot, two single family dwellings, one duplex, or one single family dwelling with one accessory apartment, providing the following requirements are met:
- i. The primary and principle use of the property is residential and owner occupied;
 - ii. The single lot is a minimum of 60,000 square feet (two times the minimum lot size) for two single family dwellings on a single lot; or 50,000 square feet for duplex; or 40,000 square feet for one single family dwelling with one accessory apartment;
 - iii. The accessory apartment is no greater than 600 square feet in floor area for a single-family dwelling with

one accessory apartment, otherwise the structure shall be considered a duplex;

- iv. The lot has been evaluated for septic capability to allow one of the following situations: 1) the addition of a second single family dwelling with separate septic system and reserve field area, or 2) the construction of a duplex dwelling with shared septic system and reserve field area, or 3) the addition of accessory apartment to a single-family dwelling with shared septic system and reserve field area;
 - v. A site plan as required in Section 11-412, including a survey of the property showing existing and proposed dwellings along with primary and secondary (reserve) septic areas;
 - vi. A certification by the owner that two single family dwelling units must be sold or transferred as a single parcel unless the Planning Commission approves a subdivision plat separating the two dwellings on separate lots, or a certification by the owner that a duplex or accessory apartment must be sold or transferred as a single parcel without capability of subdivision in the future;
 - vii. Mobile home as primary or second dwelling unit is not allowed;
 - viii. Conversion of existing detached garage as a second dwelling unit may be allowed;
 - ix. Conversions of sheds, barns, storage buildings, campers, and recreation vehicles are not allowed as a primary or secondary dwelling unit;
 - x. The separation of two single family dwellings shall be 20 feet, and all other required setbacks from property lines shall be maintained;
 - xi. The side setback for duplex shall be 20 feet.
- f. Mobile home parks developed in accordance with applicable provisions of Section 11-408 and 11-410.
 - g. Multi-family dwellings developed in accordance with applicable provisions of Section 11-408 and 11-410.

3. Prohibited Uses. Any use not listed in permitted uses or special exception uses in subsections 1 and 2 above, and including specifically, but not limited to, the following:
 - a. Sanitary landfill
 - b. Medical waste handling or disposal
 - c. Junkyards, commercial or private
 - d. Outdoor storage of non-operable and abandoned vehicles with the exception of adequately screened vehicles kept for hobby or cannibalization.
 - e. Hazardous materials handling or disposal.
 - f. Billboards and portable sign.
 - g. Mobile home parks with densities exceeding four living units per acre.

11-702. NC-1 Neighborhood Commercial.

The intent of this district is to provide areas for defined commercial and other uses of limited impact on neighboring property and oriented primarily toward serving local citizens.

It is the intent that this zone and any uses permitted be established with direct access on arterial roads or major collector roads as shown on the Major Road Plan for the Town of Louisville, specifically: Topside Road, Louisville Road, Mentor Road, Miser Station Road, Old Lowes Ferry Road, Lowes Ferry Road from intersection with Old Lowes Ferry Road to western Town Limits, Holston College Road, and Quarry Road.

The Board of Zoning Appeals may grant a Special Exception for a parcel on a Minor Collector to be zoned NC-1 Neighborhood Commercial for a permitted use if the parcel boundary is less than 500 feet from an arterial or major collector right-of-way.

The total floor area of any principal structure for permitted uses listed below shall be no more than 4,000 square feet maximum.

Prior to the issuance of any zoning compliance permit, a site plan, prepared in accordance with Section 11-410, shall be submitted to and approved by the Planning Commission for uses permitted in this district.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Chapters 4, 7, and 8).

1. Permitted Uses.
 - a. Professional offices (including attorneys, physicians, etc.)
 - b. Banks
 - c. Barber and beauty shops
 - d. Customary home occupations
 - e. Bakery stores
 - f. Tailor shops
 - g. Book and stationery stores
 - h. Ice cream parlors
 - i. Shoe repair and shoe shine shops
 - j. Churches and other places of worship
 - k. Governmental buildings and community centers
 - l. Photographic studios

- m. Optical goods stores
 - n. Florist shop
 - o. Nonprofit school
 - p. Religious, educational, charitable, philanthropic, civic, or professional club except where a principal activity thereof is a service customarily carried on as a business
 - q. Family child care home (5 – 7 children)
 - r. Group child care Home (8 – 12 children)
 - s. Antique shop
 - t. Any use listed as permitted or permitted as special exception in section 11-701 for the Residential and Agricultural zone
 - u. Customary accessory buildings, structures, and uses, subject to the requirements of Section 11-507
 - v. Signs, subject to the requirements of Section 11-409.
 - w. Off-street parking and access control is required and shall be developed in accordance with the provisions of Sections 11-403 to 406; except that no new off-street parking shall be required for the reuse of existing structures where no additional lot area is available. Any off-street parking that is provided, however, shall meet the applicable provisions of Sections 11-403 to 406 as closely as is practicable.
 - x. Temporary uses, subject to the requirements of Section 11-413
2. Special Exception Uses. None.
3. Prohibited Uses. Any use not listed in permitted uses or special exception uses in subsections 1 and 2 above.

11-703. C-1 General Commercial.

The intent of this district is to provide areas for retail trade and services establishments, offices, personal services establishments, and business services establishments oriented primarily toward serving local citizens and other uses compatible with the intent of this district.

It is the intent that this zone and any uses permitted be established with direct access only on arterial roads as shown on the Major Road Plan for the Town of Louisville, specifically: Topside Road and Louisville Road.

Prior to the issuance of any zoning compliance permit, a site plan, prepared in accordance with Section 11-410, shall be submitted to and approved by the Planning Commission for uses permitted in this district.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Chapters 4, 7, and 8).

1. Permitted Uses.
 - a. Retail trade and services
 - b. Business, professional, and personal services
 - c. Gasoline service stations, including those with convenience stores, and/or with facilities for minor automobile service activities.
 - d. Cultural and social activities, including fraternal clubs and lodges.
 - e. One (1) dwelling unit, accessory to and part of another use permitted in this district, intended primarily for occupation by a business owner, manager, or security staff.
 - f. Publicly owned buildings and uses
 - g. Schools offering general education
 - h. Churches
 - i. Day care centers
 - j. General utility uses
 - k. Hotel/motels
 - l. Wholesale trade (exterior storage prohibited)

- m. Restaurants
- n. Theaters
- o. Building material sales (exterior storage areas must be screened from adjacent properties and public streets)
- p. Financial institutions
- q. Landscaping services
- r. Sales, rental, and service establishments dealing in construction and farming equipment, automobiles, and boats
- s. Customary accessory buildings, structures, and uses, subject to the requirements of Section 11-507.
- t. Signs, subject to the requirements of Section 11-409.
- u. Off-street parking and access control is required and shall be developed in accordance with the provisions of Sections 11-403 to 406; except that no new off-street parking shall be required for the reuse of existing structures where no additional lot area is available. Any off-street parking that is provided, however, shall meet the applicable provisions of Sections 11-403 to 406 as closely as is practicable.
- v. Temporary uses, subject to the requirements of Section 11-413.

2. Special Exception Uses.

The following may be permitted after review and finding of the Board of Zoning Appeals that such use is compatible with surrounding land uses and can be supported with existing infrastructure. In approving such use, the board may impose reasonable conditions upon its operation to insure its continued compatibility with surrounding uses. Prior to considering a request for a special exception for the following uses, the board shall advertise a public hearing on the matter at least 10 (ten) days prior to the date of such hearing and shall require the submission of a site plan prepared in accordance with applicable provision of Section 11-410.

- (a) Pain Management Clinic, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 300 feet from any residential structure; clinic property abutting an R-1 zoned property (not a public right-of-way) shall be secured from access across property line by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Louisville.

3. Prohibited Uses. Any use not listed in permitted uses or special exception uses in subsections 1 and 2 above, including warehouses and commercial or public storage facilities.

11-704. M-1 Light Industrial District.

The intent of this district is to provide areas for scientific research and development; light manufacturing activities, such as processing, and assembly; storage, warehousing, and distribution; and other light industrial uses which can be located in reasonable proximity to commercial or residential uses without significant adverse impacts and to allow other uses generally compatible with the intent of this district.

It is the intent that this zone and any uses permitted be established with direct access only on arterial roads as shown on the Major Road Plan for the Town of Louisville, specifically: Topside Road and Louisville Road.

Prior to the issuance of any zoning permit, a site plan, prepared in accordance with Section 11-411, shall be submitted and approved by the Planning Commission.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Chapter 4, 7, and 8).

1. Permitted Uses.

- a. Scientific research and development establishments
- b. Warehouses and commercial or public storage facilities
- c. Wholesale trade establishments
- d. Motor freight terminals
- e. Light manufacturing establishments
- f. Food and dairy products processing, excluding slaughter houses
- g. Construction services and materials establishments
- h. Landscaping services establishments
- i. Retail sales to the general public in conjunction with an industrial use only under the following conditions:
 - i. The commodities offered for sale have been manufactured, processed, fabricated, or warehoused on the premises;
 - ii. The retail sales are purely incidental to the industrial use of the property;

- iii. The amount of area devoted to retail sales is no more than twenty (20) percent of the gross floor area of the main floor of the primary industrial building on the premises, or, four (4,000) square feet, whichever is less.
 - j. Retail sales of food and sundry-type items, located within an industrial building or PUD, intended for sale only to the work force within that building or PUD.
 - k. Medical clinics and day care centers accessory to an industrial use and intended to provide care primarily to the employees of such industrial use and their families
 - l. Light utility uses
 - m. Publicly owned buildings and uses
 - n. Customary accessory buildings, structures, and uses, subject to the requirements of Section 11-507
2. Special Exception Uses. None.
3. Prohibited Uses. Any use not listed in permitted uses or special exception uses in subsections 1 and 2 above, and specifically, but not limited to, Heavy Manufacturing (see definition in Chapter 10).

11-705. F-1 Flood Hazard District.

The flood hazard district is established as an overlay district, the intent of which is to protect the health, safety, and welfare of the citizens of the town by requiring that uses permitted in the underlying zoning districts be developed in accordance with the provisions of the town's Flood Damage Prevention Ordinance. The Flood Damage Prevention Ordinance is adopted separate from this ordinance.

CHAPTER 8

AREA, YARD, AND HEIGHT REQUIREMENTS

11-801. Area, Yard, and Height Requirements.

For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the Town of Louisville, Tennessee, Zoning Ordinance are hereby established as follows:

Minimum Lot Size				Minimum Yard Requirements from Property Lines (feet)			
District	Area in Square Feet	Square Feet per Additional Family ¹	Lot Width at Building Setback	Front Yard ⁴	Side Yard ²	Rear Yard	Maximum Height (in feet) of Structures ³
R-1 with public water	30,000	20,000	75	See Note 4	10	30	60 – single family 40 - other residential
R-1 with well water	40,000	not permitted	75		25	30	60 – single family 40 - other residential
NC-1 and C-1 abutting R-1	N/A	N/A	75		25	30	40
NC-1 and C-1 abutting C-1, NC-1 or M-1	N/A	N/A	75		12	30	40
M-1	N/A	N/A	75		25	30	40

¹ Applies to duplex dwellings, multi-family dwellings, and mobile home parks.

² Different setback requirements set out in Section 11-408. Residential Planned Unit Development (PUD) Regulations, Section 11-410. Site Plan and Development Regulations for Commercial, Multi-Family, Public, and Semi-Public Uses, Section 11-411. Site Plan and Development Regulations for Industrial Uses, and Chapter Seven. Provisions Governing Use Districts shall be adhered to when they are greater than the requirements set out in this Chapter.

³ For structures with both commercial and residential uses, the commercial height limit applies to the entire structure.

⁴	<u>Type of Street</u>	<u>Required Front Yard Setback</u>	(Type of Street as identified on the Louisville Major Road Plan)
	Residential Streets	30 feet	
	Minor Collectors	40 feet	
	Major Collectors	50 feet	
	Arterials	60 feet	

CHAPTER 9

EXCEPTIONS AND MODIFICATIONS

11-901. Lots of Record.

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

11-902. Adjoining and Substandard Lots of Records.

Where two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

11-903. Front Yards.

The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred (200) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

11-904. Exceptions on Height Limits.

The height limitations of this ordinance shall not apply to any structure not intended for human occupancy, including but not limited to church spires, belfries, cupolas, domes, and chimneys which are an integral part of a structure. Monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, aerials, and other similar structures may exceed the maximum height limitations of the district within which they are located so long as such structures are located no closer to a property line a distance equal to their own height plus five (5) feet.

CHAPTER 10

DEFINITIONS

11-1001. Interpretation of Defined Terms.

Terms found in this ordinance for which definitions are set out in this chapter shall be interpreted as always having such meaning, unless the context within which such term is used clearly indicates otherwise.

11-1002. Interpretation of Undefined Terms.

Terms found in this ordinance for which no definition is included in this chapter shall be interpreted, if technical in nature, by reference to generally accepted planning, engineering, or other professional terminology; and if non-technical in nature, shall be interpreted according to common usage, unless the context within which such term is used clearly indicates otherwise. Certain undefined terms, however, shall be interpreted as follows, unless the context clearly indicates otherwise:

Tense; Number. Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

Shall; Should; May. The word "shall" is mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like character.

Measurement of Distances. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

Day. Unless otherwise specified, the term "day" shall mean calendar day.

Used; Constructed. The word "used" shall be deemed also to include designed, intended, or arranged to be used; the term "erected" shall be deemed also to include constructed, reconstructed, altered, placed, relocated, or removed.

Land Use. The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

State; County. The word "State" means the State of Tennessee and its authorized agents. The word "County" means the County of Blount, Tennessee, and its authorized agents.

11-1003. Terms.

ABANDONED VEHICLE: A vehicle or implement which has become inoperative and is not being maintained for repair, restoration, or cannibalization stored outdoors without adequate screening.

ACCESSORY BUILDING: See under Building - Building or Use, Accessory.

ACCESSORY STRUCTURE: See under Building – Building or Use, Accessory; and see under Use or Structure, Accessory.

ACCESSORY USE: See under Building - Building or Use, Accessory.

ANGLED PARKING SPACE: Any parking space that is not parallel to the curb or driving aisle. See also **DEGREE OF ANGLED PARKING**

BILLBOARD: Any off-premises sign (see definition under “sign”) or an on-premise sign (see definition under “sign”) exceeding fifty (50) square feet in area.

BED AND BREAKFAST INN: A building containing a single dwelling unit occupied by the owner or innkeeper and not more than five (5) guest rooms where lodging is provided with or without meals for compensation.

BMA: Abbreviation for Louisville Board of Mayor and Aldermen

BOARD OF MAYOR AND ALDERMEN: The Louisville Board of Mayor and Aldermen, or BMA.

BOARD OF ZONING APPEALS: The Louisville Board of Zoning Appeals, or BZA.

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

BUILDING OR USE, ACCESSORY: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.

BUILDING, PRINCIPAL: A building in which the principal use of the lot on which the building is located is conducted.

BUILDING HEIGHT: The vertical distance measured from the finished grade at any building line to the highest point of the roof; provided that where land is subject to required minimum flood elevations, the building height shall be measured from such required elevation.

BUILDING OFFICIAL: That person or persons assigned or contracted to administer permits related to the building codes adopted by the Town.

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

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way

line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

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

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

BZA: Abbreviation for the Louisville Board of Zoning Appeals.

CEMETERY: Land used for the burial of deceased human remains, and dedicated for cemetery purposes, excluding columbariums, crematories, mausoleums, and mortuaries

CLASSIFICATION OF STREET: See Street Classification.

DAY CARE CENTER: An establishment which receives for care and supervision five (5) or more children or adults for less than 24 hours per day unattended by parent or legal guardian, and shall include day nurseries, child or senior adult day care services, nursery schools and play schools, and kindergartens. The care of four (4) or fewer children shall be considered as a home occupation.

DEGREE OF ANGLED PARKING: The acute angle between the curb and a line parallel to the side stripes of the parking spaces. If no curb is in place, the degree of parking equals the angle between a line parallel to the side stripes of the parking spaces and a line that connects the front passenger-side corners of the parking spaces.

DUPLEX RESIDENCE OR DWELLING: See under Dwelling – Dwelling Duplex.

DWELLING: A building containing one (1) or more dwelling units. The term does not include travel trailers, tents, hotels or motels, or similar structures designed for transient purposes.

DWELLING, DUPLEX: A building designed, constructed, or reconstructed and used for two (2) dwelling units that are connected by a common structural wall. For the purposes of this ordinance, the placement of two (2) or more duplexes upon one (1) lot shall be defined as a Planned Unit Development (PUD).

DWELLING, MOBILE HOME: A residential unit designed and intended for occupancy by one (1) family and having all of the following characteristics: contains sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; is designed to be transported after fabrication on its own wheels on a single chassis; arrives at the site where it is to be

occupied as a complete dwelling ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like; and is designed so it can be removed and installed at other sites. For the purposes of this ordinance, a "single-wide" mobile home shall be considered as defined under this definition.

DWELLING, MANUFACTURED/MODULAR: A dwelling composed of two (2) or more transportable factory-fabricated units that when assembled at a building site will become a finished permanent dwelling in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at a building site. A "double-wide" mobile home placed upon a permanent foundation and having the appearance of a site-built home shall be regarded as a manufactured/modular dwelling.

DWELLING, MULTI-FAMILY: A building containing three (3) or more separate rental or owner-occupied dwelling units located on a single lot.

DWELLING, SINGLE FAMILY: A building designed, constructed and used for one (1) dwelling unit. In accordance with the provisions of 13-24-201, Tennessee Code Annotated, a manufactured/modular dwelling, as defined in this ordinance, shall be considered as a single-family dwelling.

DWELLING, SINGLE FAMILY WITH ACCESSORY APARTMENT: A building having the external appearance of a single-family residence or one of its customary accessory buildings, such as a garage, but in which there is located a second dwelling unit, subordinate in size to the primary dwelling unit. For the purposes of this ordinance, a single-family dwelling with an accessory apartment shall not be considered a duplex.

DWELLING UNIT: One (1) or more rooms which is/are arranged, designed, and intended for use as an independent living facility by one (1) person, or a group of persons living together as a single housekeeping unit, containing permanent provisions for cooking and sanitation.

EGRESS: See Ingress/Egress.

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

FLEA MARKET: Any premises where the principal use is the sale of new and/or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser in open air or partly enclosed booths or stalls not within a wholly enclosed building.

FLOOD DAMAGE PREVENTION ORDINANCE: The Flood Damage Prevention Ordinance is adopted separate from this ordinance and specifies regulations adopted in conformity to requirements related to the National Flood Insurance Program (NFIP) of the Federal Emergency Management Agency (FEMA) to allow citizens to obtain flood insurance.

FLOOD HAZARD AREA: Commonly referred to as the 100-year flood plain. Specifically, that area within the corporate limits of the Town of Louisville identified as “Special Flood Hazard Areas (SFHA) Subject to Inundation by the 1% Annual Chance Flood” including any “Floodway Areas in Zone AE”, on the “FIRM – Flood Insurance Rate Map – Blount County, Tennessee, and Incorporated Areas” map numbers 47009C0105C, 47009C0110C, 47009C0115C, 47009C0117C, 47009C0120C, and 47009C0128C, published by the Federal Emergency Management Agency with maps effective date September 19, 2007.

FRONT YARD: See Yard, Front.

GARAGE OR YARD SALE: A sale, held for no more than seven (7) consecutive days no more often than once every six (6) months, for the purpose of disposing of surplus household items. Sales activities at residences not meeting the intent of this definition shall be considered either as a home occupation or commercial activity and shall be subject to regulation and/or prohibited in accordance with the provisions of this ordinance.

GRAND OPENING: A promotional event used by newly established businesses within two months after initial building occupancy, to inform the public of their location and services available to the community. The term does not include annual or occasional promotion of retail sales by a business.

HAZARDOUS SUBSTANCE: Any material which is listed and/or regulated as such by the Environmental Protection Agency or other recognized authority.

HAZARDOUS WASTE: Any by-product or residue resulting from use or storage of a hazardous substance.

HEALTH DEPARTMENT: The Blount County Office of Environmental Health.

HEAVY MANUFACTURING: See Manufacturing, Heavy.

HOME OCCUPATION: A use of a dwelling unit or customary accessory buildings for an occupation conducted by a resident thereof and which is clearly incidental to use of the structure for residential purposes, does not change the character thereof, and is otherwise allowed under provisions of this ordinance.

INGRESS/EGRESS: For ingress – access or entry point or entrance to a property from another property or from a public right-of-way or private road. For egress – exit point or exit from a property to another property or to a public right-of-way or private road. The point of ingress and egress is often designed to function at a single location on a parcel of land.

JUNKYARD: The use of any land, for the parking, storage, keeping, disassembly, demolition, sale, or abandonment of junk, including scrap metals or other scrap materials, waste paper, rags, used building materials, old household appliances, junked, wrecked or inoperative automobiles, or other vehicles or machinery or parts thereof, and similar materials. The term junkyard shall not be deemed to apply to outside storage permitted as an accessory use to pawn shops, antique stores, or to the sale of operative and usable used vehicles, equipment, furniture, or household goods and appliances.

LAND: The earth, water, and air above, below, or on the surface, including any improvements or structures customarily regarded as the land.

LANDFILL (SANITARY): An area or site used by a public or private entity for disposal of solid waste, demolition waste or refuse in a manner which complies with regulations imposed upon the operation and maintenance of such landfill sites by the Tennessee Department of Environment and Conservation.

LOT OF RECORD: A lot which is part of a subdivision plat recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance; *except that*, lots created in violation of subdivision regulations shall not be deemed lots of record.

MANUFACTURING: The processing, fabricating, preparing, extracting, assembling, packaging, cleaning, servicing, testing or repairing of materials, products, or equipment on the premises of a manufacturing establishment as defined below.

HEAVY MANUFACTURING ESTABLISHMENT: Any premises where the principal use is manufacturing which may involve significant air, water, noise, radiation, or other pollution likely to substantially affect surrounding property uses such as, but not limited to the following: bulk storage of flammable, explosive, toxic, or noxious materials as a principal use; pulp paper or other chemical processing of raw wood materials; concrete mixing or batching plants; fertilizer or pesticide manufacture; quarrying or mining of stone, minerals, or other materials; and petroleum or asphalt refining or manufacturing.

LIGHT MANUFACTURING ESTABLISHMENT: Any premises where the principal use is manufacturing which complies with the use limitations and the purpose and intent of the Light Industrial District.

MANUFACTURED HOME: See under Dwelling – Dwelling, Manufactured /Modular.

MAJOR ROAD PLAN: The Town of Louisville Major Road Plan, approved by the Planning Commission and registered at the Register of Deeds. See also Street Classification.

MEDICAL WASTE: Any discardable materials resulting from the medical treatment of humans or animals, including surplus unused materials, any item of bandaging or splinting material having been in intimate contact with an infection or injury, any instruments used to administer drugs or health care procedures, and empty containers.

MOBILE HOME: See under Dwelling – Dwelling, Mobile Home.

MOBILE HOME PARK: A residential development owned by one person (or company) in which individual spaces and/or mobile homes (see definition) are leased or rented to the occupants.

MODULAR DWELLING: See under Dwelling – Dwelling, Manufactured/Modular.

MOTEL: See Hotel, Motel.

MULTI-FAMILY DWELLING: See Dwelling, Multi-Family.

NONCONFORMITY: A lot, structure, or use of land, or any combination thereof, which was lawful before this ordinance was passed or amended, but which would now be prohibited under the terms of this ordinance.

OFF-STREET PARKING: Parking for vehicles provided on a property outside any public right-of-way.

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed certain drugs as further defined in Tennessee Code Annotated (TCA) 63-1-301(5), excluding certain medical facilities identified in TCA 63-1-302, and as amended by the State Legislature.

PARKING AISLE: A vehicular traffic way or lane within an off-street parking area, used as a means of ingress and/or egress from parking spaces.

PERMIT ISSUING AUTHORITY. Depending on context in this Ordinance, the Administrator, and/or the Planning Commission, and/or the Board of Zoning Appeals. Also, may include coordination with other permit issuing offices such as the Building Official and the Town Engineer.

PLANNED UNIT DEVELOPMENT: A development which is professionally designed to allow flexibility and initiative in site and building design and location and in accordance with applicable provisions of this ordinance.

PLANNING COMMISSION: The Louisville Municipal Planning Commission.

PLANNING STAFF: The person or persons either assigned or contracted to provide planning review, analysis, and advisory services to the Town.

PRINCIPAL BUILDING: See under Building - Building, Principal.

PRINCIPAL USE: See Use, Principal.

PUBLIC: When used in reference to any land, use, area, building, or structure, means held, used, or controlled exclusively for public purposes by a department or branch of government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

REVIEWING BODY: That official Town Commission or Board of other Body or person charged with reviewing site plans as part of the permit process under this Ordinance. Depending on context, this may be the Administrator, and/or the Planning Commission, and/or the Board of Zoning Appeals, and may include associated review by the Town Engineer and planning staff.

REZONING: Action by the Board of Mayor and Aldermen, after recommendation of the Planning Commission and public hearing, amending the Zoning Map by changing the zoning of a parcel or area of land.

ROAD: Synonymous with the term street. See Street.

SIGN: Any device or structure designed or used to attract the attention of persons for the purpose of communicating a message.

SIGN, OFF-PREMISES: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, ON-PREMISES: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered on the premises upon which such sign is located.

SIGN, TEMPORARY: A sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

SINGLE FAMILY RESIDENCE OR DWELLING: See under Dwelling – Dwelling, Single Family.

SPECIAL EXCEPTION: A use, as may be identified as such in this ordinance, which would not be appropriate generally or without restriction throughout a particular district in which it is allowed but which, if controlled as to number, area, location, relationship to the neighborhood, mode of operation, size, design, appearance, or similar matters, could be made compatible with a district's permitted uses.

STREET: A strip of land intended for vehicular traffic and right-of-way and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, expressway, boulevard, or any other thoroughfare. The term street shall not be deemed to include alley, except as otherwise specifically provided herein.

STREET CLASSIFICATION: The classification of streets within the Town of Louisville as listed and portrayed on the Town of Louisville Major Road Plan. Generally, the classification of a street as arterial, collector or local street based on function within the street network.

STREET, PRIVATE: A street, way, or easement, not a component of the state or federal system, or street system maintained by the Town of Louisville.

STREET, PUBLIC: Any vehicular way, except alleys, which is ~~owned~~ and maintained by the town, state, or federal governments.

STREET LINE: The dividing line between a street and a lot. For public streets, the street line shall be the existing right-of-way line; for private streets, the street

line shall be the edge of the improved roadway, or the edge of the legally described easement, whichever is greater.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs, but do not include paving and sidewalks.

SUBDIVISION REGULATIONS: The Subdivision Regulations of the Town of Louisville, Tennessee as adopted by the Louisville Planning Commission, and as amended.

TEMPORARY USE: Any use which is not designed nor intended to be permanent in nature, and unless otherwise specified in this ordinance, shall not be permitted for a period over ninety (90) days.

TENNESSEE CODE ANNOTATED (TCA): The official compilation of the laws of the State of Tennessee.

THIS ORDINANCE: Zoning Ordinance of the Town of Louisville, Tennessee. See also Zoning Ordinance.

TOWN: The Town of Louisville, specifically the municipality.

TOWN ENGINEER: That person or persons or assigned or contracted to provide engineering review, oversight, and advice on matters of Town roads and other public infrastructure.

TVA FLOWAGE EASEMENT: That easement established along Fort Loudon Lake and embayments to the benefit of the Tennessee Valley Authority delineating an easement for water impoundment and flowage of the Lake.

USE: Any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.

USE OR STRUCTURE, ACCESSORY: A use or structure which is clearly incidental to and customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; is located on the same lot as the principal use, and which is zoned to permit such use, or within the principal building on a lot when such an accessory use contributes primarily to the comfort and convenience of the owners, occupants, employees, customers, or visitors of the principal use.

USE, PRINCIPAL: The dominant, main, and chief use(s) of land or structures which provides the principal current utility to the property owner, as distinguished from accessory uses.

USE, TEMPORARY: See Temporary Use.

VARIANCE: A modification of the provisions of this ordinance when such modification will not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant occurring after the effective date of the ordinance, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

WAREHOUSE: Any premises where the principal use is storage of merchandise, products, or materials in bulk for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales and retail sales as limited by other provisions of this ordinance, but shall not be deemed to include motor freight terminals, mini-warehouses or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

WHOLESALE SALES: The sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

YARD: Any area on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such area by the provisions of this ordinance. For the purpose of this ordinance, there shall be a distinction between "yard" and "minimum yard" or "required yard." The minimum or required yard requirements set forth in this ordinance represent that minimum distance which the principal building(s) shall set back from the respective lot lines or street line, as applicable.

YARD, FRONT: A yard extending across the full width of a lot, measured from and perpendicular to the front lot line, and extending to the principal building or structure. On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group, and measured perpendicular from and along a line parallel with the rear lot line. A corner lot of four sides with two front lot lines and two side lot lines does not have a rear yard.

YARD, SIDE: A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The side yard shall be measured perpendicular from and along a line parallel with the side lot line. A corner lot of four sides has two side yards proceeding from the front yard to the intersection of the two side lot lines.

ZONING MAP: The "Zoning Map of Louisville, Tennessee" as adopted by the Louisville Board of Mayor and Aldermen, and as amended.

ZONING ORDINANCE: The Zoning Ordinance of the Town of Louisville, Tennessee as adopted by the Louisville Board of Mayor and Aldermen, and as amended.

ZONING PERMIT: A permit required to administer provisions of the Zoning Ordinance of the Town of Louisville, Tennessee. This may be part of or separate from other permits required by the Town of Louisville. Zoning permit form(s) will be provided by the Office of the Mayor, and particularly by the Administrator.