

**ZONING  
ORDINANCE**

**SAVANNAH, TENNESSEE**

**ZONING ORDINANCE**

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As Amended

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ZONING ORDINANCE

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## TITLE 11

### PLANNING AND ZONING<sup>1</sup>

#### CHAPTER

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#### CHAPTER 1

### MUNICIPAL PLANNING COMMISSION

#### SECTION

- 11-101. Creation  
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11-103. Organization, rules, staff, and finances  
11-104. Powers and duties

11-101. Creation. - In order to guide and establish a coordinated and harmonious development of the City of Savannah, promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, there is hereby created and established a Municipal Planning Commission as authorized by Tennessee Code Annotated, Section 13-4-101 et. seg. and which Commission shall be organized and empowered as in this chapter set out, and as provided by law. (Ordinance no. 83, sec. 1)

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<sup>1</sup> Chapters 2-16 of this title comprise the zoning ordinance for the City of Savannah, which is Ordinance No. 200 as amended. Reference to this ordinance within the text of the chapter 2-16 is denoted by the use of a capital "O" to distinguish it from references in its text to other ordinances, which are denoted with a small "o".

11-102. Membership. - The Planning Commission hereby created shall be known as the Municipal Planning Commission of the City of Savannah, and shall consist of five (5) members. One (1) of the members shall be the Mayor of the City of Savannah or a person designated by the Mayor, and whose term of office shall be concurrent with his term as Mayor, one (1) shall be a member of the Board of Commissioners of the City of Savannah, elected or selected by the Board of Commissioners, and his term of office shall be concurrent with his term as a member of the Board of Commissioners. The three (3) remaining members shall be citizens of the City of Savannah, and shall be appointed by the Mayor. The term of the three (3) appointive members shall be for three (3) years each. All members shall serve without compensation. The three appointed members shall be eligible to succeed themselves but not for more than two (2) terms. Members who serve two (2) consecutive terms are ineligible for reappointment for a period of one term (3) years, except that in the appointment of the first Planning Commission under the terms of this chapter, one (1) member shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor, who shall have the authority to remove any appointive member at his pleasure. All members shall serve without compensation. (Ord. no. 83, sec. 2, as amended by Ordinance no. 423-8-87) (As amended by Ordinance No. 470-12-90)

11-103. Organization, rules, staff, and finances. - The municipal Planning Commission shall elect a chairman from the appointive members. The term of the chairman shall be one (1) year, with eligibility for re-election. The Commission shall adopt such rules and regulations, for the transactions, findings, and determinations as may be reasonably necessary or proper for the transaction of its business, which shall be public records and the Planning Commission shall keep a record of its proceedings. The Commission may appoint and select such employees and staff as it may deem necessary for its work, and may contract with city planners and other consultants for such advise and services as may be required. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the board of commissioners. (Ordinance no. 83, sec. 3)

11-104. Powers and duties. The municipal Planning Commission shall as soon as convenient after the adoption of this chapter and the election of the commissioners, meet and organize, by the election of the chairman, as herein provided for, and from and after that time the commission shall have organized and adopted rules and regulations for its procedure, then said commission shall have all powers, duties, and responsibilities as set forth in Tennessee Code Annotated, Title 13 and any and all subsequent laws that may be adopted with reference to its procedure, then said commission shall have all powers, duties and responsibilities set forth in Tennessee Code Annotated, Title 13 and any all subsequent laws that may be adopted with reference to municipal Planning Commissions, and all other acts relating to the duties and powers of municipal Planning Commissions now in force or that may hereafter or subsequently be adopted. (Ordinance no. 83, sec. 4)

## CHAPTER 2

### GENERAL PROVISIONS RELATING TO ZONING

#### SECTION

- 11-201. Title
- 11-202. Purpose

#### AUTHORITY

An ordinance in pursuance of the authority granted by Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts or zones within the corporate limits of Savannah, to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of populations, the uses of buildings, structures and land for trade, industry, residence recreation, public activities and other purposes to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN OF SAVANNAH, TENNESSEE, AS FOLLOWS:

11-201. Title - The Ordinance shall be known and may be cited as the Zoning Ordinance of Savannah, Tennessee, and the map herein referred to which is identified by the title, "Official Zoning Map, Savannah, Tennessee" and all explanatory matters thereon are hereby adopted and made a part of this Ordinance. The Official Zoning Map shall be located in the City Hall and shall be identified by the signature of the Mayor attested by the City Recorder. The Official Zoning Map may be amended under the procedures set forth in Chapter 14 of this Ordinance provided, however, that no amendment of the Official Zoning Map shall become effective until after such change and entry has been made on said map and signed by the Mayor and attested by the City Recorder.

11-202. Purpose - The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of populations, to facilitate the adequate provisions of transportation, water sewerage, schools, parks and other public requirements.

They have been made with reasonable consideration among other things, as the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.



## CHAPTER 3

### GENERAL PROVISIONS

#### SECTION

- 11-301. Zoning Affects Every Building and Use
- 11-302. Non-conforming Uses and Structures
- 11-303. Erection of Multiple Principal Structure on a Single Lot
- 11-304. Reduction in Lot Area Prohibited
- 11-305. Required Yard Cannot be Used by Another Building
- 11-306. Rear Yard Abutting a Public Street
- 11-307. Obstruction to Vision at Street Intersection Prohibited
- 11-308. Off-street Automobile Storage -
- 11-309. Off-Street Loading and Unloading Space
- 11-310. Access Control
- 11-311. Location of Accessory Buildings
- 11-312. Adult Oriented Businesses
- 11-313. Telecommunications Tower Requirements

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

11-301. Zoning Affects Every Building and Use - No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

#### 11-302. Non-conforming Uses and Structures

1. In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of the city of Savannah, or where such land area is covered by zoning restrictions of the City of Savannah and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial, business establishment or residential structure in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted; provided, that no change in the use of the land or structure that would result in a two digit reclassification per the "Standard Land Use Coding Manual" is undertaken by such industry, business or residence.

2. Except as further specified herein, any industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities or be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change. Such actions shall involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion or rebuilding on the property owned by such industry or business and provided, that no destruction and rebuilding or addition shall occur which shall act to change the use classification of the land or structure in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. Change of use classification shall be determined as a change that would result in a two digit reclassification per the "Standard Land Use Coding Manual". These same provisions shall also apply to residential use. Except as further specified herein, no building permit or like permission for construction or landscaping shall be denied to an industry, business or resident seeking to expand or rebuild and continue activities conducted by or within that industry, business or residential structure which were permitted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion or rebuilding on the property owned by such industry, business or resident situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.
3. The provisions of subsection 2 above apply only to land owned and in use by such affected business or residence at the time the non-conformity was established, and do not operate to permit expansion of an existing industry, business or residence through the acquisition of additional land.
4. Subsection 2 above does not apply to non-conforming residential structures consisting of factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis as further defined under Tennessee Code Annotated, 68-126-202(4), (6) and (7) and shall not be expanded or replaced upon removal from the premises which they had existed and any subsequent use of said premises shall be in compliance with the provisions of this ordinance except that such factory manufactured mobile home may be replaced provided all of the following conditions are met:
  - a. Must be approved by the Board of Zoning Appeals. (As amended Ord. 717-1-2008)
  - b. The mobile home is owner occupied.

- c. The property upon which the mobile home is situated is owned by the occupant.
  - d. The mobile home is replaced within 7 days of its removal. (As amended by Ordinance No. 541-11-96)
5. For the purposes of these regulations, Non-conforming uses and structures seeking to expand or rebuild under subsection 2 above shall be deemed to have a “reasonable amount of space” if the proposed expansion or replacement structure on the existing premises can meet current applicable yard setback standards of the district in which it is located.
6. Any non-conforming use which ceases to continue to operate for a period of two years shall be deemed to have ceased to exist and any subsequent use shall be in conformity with current zoning provisions established herein. (As Amended Ordinance No. 532-1-96)

11-303. Erection of Multiple Principal Structure on a Single Lot - In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that each such structure shall be located on the lot in such a fashion that the structure and surrounding land could be subdivided into a separate lot meeting all zoning and Subdivision Regulation requirements, including but not limited to setbacks and frontage on a public street. This section shall not apply to multifamily developments having separate clusters of housing units, nor shall this section apply to shopping centers developed as an integrated whole. (As amended by Ordinance 491-12-92)

11-304. Reduction in Lot Area Prohibited - No lot even though it may consist of one or more adjacent lots of record shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

11-305. Required Yard Cannot be Used by Another Building - No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building.

11-306. Rear Yard Abutting a Public Street - When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

11-307. Obstruction to Vision at Street Intersection Prohibited - On a corner lot not in a B-3 (Central Business) District, within the area formed by the center lines of the intersecting or intercepting street and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this Section shall not be construed to prohibit any necessary retaining wall.

11-308. Off-street Automobile Storage -

1. There shall be provided, at the time of the erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by or before conversion from one zone use or occupancy to another, permanent asphalt or equal striped off-street parking space of at least two hundred (200) square feet (10 ft. by 20 ft.) per space with vehicular access to a street or alley for the specific uses as set forth below. For lots with no access to either a public or private alley, the city reserves the right to control ingress and egress over private right-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.
  - (a) Dwelling. Not less than one (1) space for each dwelling plus 2 spaces for each family unit, townhouse, condominium or apartment, or mobile home space in a mobile home park.
  - (b) Boarding Houses, Rooming Houses: Not less than one (1) space for each room or unit occupied by boarders or roomers.
  - (c) Tourist Accommodations: Not less than one (1) space for each room or unit offered for tourist accommodations.
  - (d) Manufacturing or Other Industrial Building or Use: Not less than one (1) space for each two (2) persons employed computed on the basis of total number of employees on the two (2) largest consecutive shifts. In addition, there shall be provided vehicle storage or standing space for all vehicles used directly in the conduct of such office or industrial use.
  - (e) Retail Uses: In all business districts, except a B-3 (Central Business) District, not less than one (1) space for each four hundred (400) square feet of store sales area.
  - (f) Theaters, Auditoriums, Stadiums, Churches, or Other Use Designed to Draw an Assembly of Persons: Not less than one (1) space for each five (5) seats provided in such place of assembly, except in a B-3 (Central Business) District.

- (g) Public Building: Not less than one (1) space for each two hundred (200) square feet of total floor area of all floors in building except basement, except in a B-3 (Central Business) District.
  - (h) Medical Offices: Five (5) patient's parking spaces per staff doctor, plus two (2) per three (3) employees, plus one (1) per staff doctor.
  - (i) Funeral Homes: One (1) space for each company vehicle plus one (1) space for each three (3) seats in meeting room.
  - (j) Office Building Excluding Medical Offices: See Public Building.
2. Parking space maintained in connection with an existing and continuing main building or structure on the effective date of this ordinance up to the number required by this ordinance shall be continued and may not be counted as serving a new structure or addition, nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.
3. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use.
- Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
4. Elderly Congregate Living and Elderly Assisted Living Facilities, as defined by this Ordinance. Off street parking shall be provided on the same lot as the congregate living or assisted living units, but not in the required front, side or rear perimeter yards. The following minimums shall be required:
- (i) Elderly congregate living - One (1) space for each dwelling unit, plus one (1) additional space for each employee or staff member.
  - (ii) Elderly assisted living - One-half (.5) space for each assisted care living unit, plus one (1) additional space for each employee or staff member.

(As amended by Ordinance 580-4-99)

11-309. Off-Street Loading and Unloading Space. Every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street.

11-310. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

1. A point of access, i.e., a drive or opening for vehicles onto a street for one-way traffic shall not exceed twenty (20) feet, for two-way traffic thirty-six (36) feet. Maximum access widths of fifty (50) feet can be allowed on a case by case basis when deemed necessary by the appropriate City Staff, or the Planning Commission, and where it is established that daily tractor-trailer traffic will be utilized. (as amended by Ordinance 594-4-2000)
2. There shall be no more than two (2) points of access to any one (1) public street on a lot less than 400' but more than 100' in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
3. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.
4. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.
5. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.
6. Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.
7. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Ordinance whichever is higher.

11-311. Location of Accessory Buildings.

1. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
2. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

11-312. Adult Oriented Businesses. For the purposes of this ordinance, Adult Oriented Businesses as defined in Chapter 11 of this ordinance shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein. (Ordinance 551-8-97)

11-313. Telecommunications Tower Regulations. (Ordinance 604-8-2000)

1. Purpose - The purpose of this section is to protect the health and enhance the safety of the residents of the City of Savannah by providing provisions relative to controlling the height, number and light emission of telecommunication towers in the City.
2. Applicability - All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.
3. Plan Requirement - Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of the Site Plan Review requirements in Chapter 9, Section 11-901 "Procedure for Site Plan Review" of this ordinance and the following provisions:
  - a. All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antenna arrays and accessory structures.
  - b. A letter of intent from the owner allowing for the shared use of the tower.
  - c. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
  - d. A letter indicating why all existing towers within mile radius of the proposed tower cannot be utilized.
4. Permitted Uses - All telecommunications towers shall be governed by the uses permitted and uses permitted on appeals section of each district with all uses being governed by the Standard Industrial Coding Manual.

5. Prohibited Uses - All telecommunication towers that exceed a height of 20 feet constructed in a lattice type manner and any tower that is not specifically permitted as a use permitted or permitted on appeal the City of Savannah shall be specifically prohibited.
6. Type - All new telecommunications towers that exceed a height of 25 feet shall be of a monopole type structure. No lattice type telecommunication towers or antennas shall be permitted in the City of Savannah.
7. Accessory Uses and Structures
  - a. A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any district in the City of Savannah. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.
  - b. Each antennae array may have an accessory structure. Accessory buildings or structures at the base of the power line structure or water tower shall not exceed a maximum of 20 feet by 20. Accessory buildings or structures shall not exceed one story.
8. Structural Requirements
  - a. All new telecommunications towers not on an existing utility structure within the City of Savannah shall be designed to accommodate a minimum of 3 antennae arrays.
  - b. All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of 2 antenna arrays.
  - c. All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 miles per hour with half an inch radial ice.
9. Setback
  - a. All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 20 percent of the tower height or the district yard requirements, whichever is greater. The setback shall be measured from the security fence to any surrounding property lines.



b. In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be 100 percent of the tower height.

10. Co-Use of Utility Structures - The co-use of existing utility structures on the City of Savannah shall be encouraged on existing power line structures exceeding 30 feet in height and water towers.
11. Height - No tower shall exceed a height of 200 feet. In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds 30 feet or an existing water tower, the maximum height shall not exceed the height of the structure plus 15 feet.
12. Shared Use - The shared use of existing towers within the City of Savannah shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers within a one mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons:
  - a. The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said owners and structures cannot be upgraded at a reasonable cost.
  - b. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
  - c. The planned equipment would not function effectively and reasonably on an existing tower or utility structure.
  - d. Geographic service requirements would prevent the co-use of an existing tower or utility structure.
13. Security - All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of 8 feet or the height of the accessory structures, whichever is greater.

14. Landscaping - All freestanding towers and utility structures shall have a 4 foot wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of 8 feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.
15. Vehicle Access/Parking
  - a. The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission in accordance with access control regulations within this ordinance.
  - b. No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis.
16. Lighting
  - a. Towers - No artificially lighted tower shall be permitted in the City of Savannah. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.
  - b. Structures - Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.
17. Removal of Obsolete Towers - Any telecommunications tower that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the Town with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

## CHAPTER 4

### ESTABLISHMENT OF DISTRICTS

#### SECTIONS

11-401. Classification of Districts

11-402. Boundaries of Districts

11-401. Classification of Districts. For the purpose of this Ordinance, Savannah, Tennessee is hereby divided into thirteen (13) districts, designated as follows:

R-1A Low Density Detached Residential  
R-1 Low Density Residential  
R-2 Medium Density Residential  
R-3 High Density Residential  
R-4 High Density Residential/Mobile Home District  
PUD Planned Unit Development District

B-1 Neighborhood Business  
B-2 General Business  
B-3 Central Business District  
B-4 Highway Commercial District

F-1 Floodway

M-1 Light Industrial  
M-2 Heavy Industrial

11-402. Boundaries of Districts

1. The boundaries of districts in Section 11-401 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Official Zoning Map of Savannah, Tennessee", which is a part of this Ordinance and which is on file in the City Hall.
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot as existing at the time this Ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot.

## CHAPTER 5

### PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

As amended Ord. 728-9-2008, 731-9-2008

#### SECTIONS

- 11-500. R-1A Low Density Detached Residential Districts
- 11-501. R-1 Low Density Residential Districts
- 11-502. R-2 Medium Density Residential Districts
- 11-503. R-3 High Density Residential Districts
- 11-504. R-4 High Density Residential/Mobile Home Districts
- 11-505. PUD - Planned Unit Residential Development Districts

11-500. R-1A Low Density Detached Residential Districts. These districts are designed to provide suitable areas for low density residential estate development characterized by an open appearance. The residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts. Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically feasible and so that provision is made for the orderly expansion and maintenance of urban residential development.

#### 1. Uses Permitted

- (a) Single family detached dwelling
- (b) Day care centers, family day care homes and group day care homes, provided they are run by a church and on the premises of the church,
- (c) Parks, playgrounds and playfields
- (d) Accessory uses or structures customarily incidental to the above permitted uses.
- (e) Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops, barber shops, gift shops, florist shops or business or professional offices.

#### 2. Uses Permitted on Appeal

- (a) Churches
- (b) Schools
- (c) Community centers

- (d) Public, parochial and private non-profit libraries, museums, art galleries and observatories
- (e) Municipal, State, Federal, county uses
- (f) Cemeteries, provided that there is a minimum of two (2) acres.

3. Prohibited Uses

Any use not allowed by right, by accessory or by use on appeal is prohibited in the R-1A Low Density Detached Residential Districts.

4. Regulations Controlling Lot Area, Lot Width, Yards, and Building Height.

(a) Minimum Required Lot Area(as Amended Ord. 728-9-2008)

15,000 square feet

(b) Minimum Lot Width at the Building Line(as Amended Ord. 728-9-2008)

100 feet

(c) Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade.

(d) Yard Requirements

(1) Front Yards

Forty (40) feet. On double frontage lots and corner lots, there shall be front yard on each street.

(2) Side Yards

15 feet.

(3) Rear Yards

30 feet.

5. Site Plan Review for Community Facility Uses

(a) Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted for review and approval in accordance with provisions contained in Chapter 9 of this Ordinance. (As amended by Ordinance 468-10-90 and 494-2-93)

11-501. R-1 Low Density Residential Districts. These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. The residential development will consist of single family detached dwellings, attached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts. Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically feasible and so that provision is made for the orderly expansion and maintenance of urban residential development.

1. Uses Permitted

- (a) Single family detached
- (b) Day care centers, family day care homes and group day care homes, provided they are run by a church and on the premises of the church,
- (c) Parks, playgrounds and playfields
- (d) Bed and Breakfast Inn provided the following conditions are met:
  - 1. A minimum of one parking space per room to be occupied by guests shall be provided for in addition to any residential parking on premises.
  - 2. The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood.
  - 3. A sign advertising the Bed and Breakfast Inn shall be permitted on the lot where it is located provided that it is no larger than 2 feet by 2 feet.
  - 4. No more than six (6) rooms shall be allowed to be used for occupancy by guests at the Bed and Breakfast Inn.
  - 5. Proprietors of the Bed and Breakfast Inn shall also be residents of the dwelling in which it is located.
  - 6. Only permitted in the designated Historic District as outlined by the 1968 General Plan.

7. An accurately drawn site plan shall be submitted for staff review and approval, such site plan to show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the City Manager at his option. (As amended by Ordinance 494-2-93)
  8. Social gathering, i.e., bridge parties, bridal showers, teas, etc. are permitted provided there is a parking space for every two guest.
- (e) Accessory uses or structures customarily incidental to the above permitted uses.
  - (f) Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops, barber shops, gift shops, florist shops or business or professional offices.

2. Uses Permitted on Appeal

- (a) Townhouses with site plan review in compliance with Chapter 9, Section 11-902 "Contents of the Site Plan" (as Amended 731-9-2008)
- (b) Churches
- (c) Schools
- (d) Community centers
- (e) Public, parochial and private non-profit libraries, museums, art galleries and observatories
- (f) Municipal, State, Federal, county uses
- (g) Cemeteries provided that there is a minimum of two (2) acres.
- (h) Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Chapter 3, Section 11-313 "Telecommunications Tower Requirements."

3. Prohibited Uses

Any use not allowed by right, by accessory or by use on appeal is prohibited in the R-1 Low Density Residential Districts.

4. Regulations Controlling Lot Area, Lot Width, Yards, and Building Height.



- (a) Minimum Required Lot Area(as Amended Ord. 729-9-2008)

12,000 square feet

- (b) Minimum Lot Width at the Building Line(as Amended Ord. 729-9-2008)

90 feet

- (c) Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade.

- (d) Yard Requirements

- (1) Front Yards

Forty (40) feet. On double frontage lots and corner lots, there shall be front yard on each street.

- (2) Side Yards (as Amended Ord. 729-9-2008)

10 feet

- (3) Rear Yards

30 feet.

5. Site Plan Review for Community Facility Uses

- (a) Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted for review and approval in accordance with provisions contained in Chapter 9 of this Ordinance. (As amended by Ordinance 468-10-90 and 494-2-93)

## 11-502. R-2 Medium Density Residential Districts

### Purpose and Intent

These districts are designed to provide suitable areas for medium density residential developments where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally, these districts will be characterized by single family detached dwellings, single-family attached dwellings and two-family dwellings (duplex).

These districts also include community facilities, public utilities, and open uses which serve the residents of these districts.

### 1. Uses Permitted

- (a) Single family detached
- (b) Two-family (duplex)
- (c) Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church, Parks, playgrounds and playfields
- (d) Bed and Breakfast Inn provided the following conditions are met:
  1. A minimum of one parking space per room to be occupied by guests shall be provided for in addition to any residential parking on premises.
  2. The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood.
  3. A sign advertising the Bed and Breakfast Inn shall be permitted on the lot where it is located provided that it is no longer than 2 feet by 2 feet.
  4. No more than six (6) rooms shall be allowed to be used for occupancy by guests at the Bed and Breakfast Inn.
  5. Proprietors of the Bed and Breakfast Inn shall also be residents of the dwelling in which it is located.
  6. Only permitted the designated Historic District in the 1968 General Plan.

7. An accurately drawn site plan shall be submitted for staff review and approval, such site plan to show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the City Manager at his option. (As amended by Ordinance 494-2-93)
  8. Social gathering, i.e., bridge parties, bridal showers, teas, etc. are permitted provided there is a parking space for every two guest.
- (f) Accessory uses or structures customarily incidental to the above permitted uses.
  - (g) Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops, barber shops, gift shops, florist shops or business or professional offices.

## 2. Uses Permitted on Appeal

- (a) Townhouses with site plan review in compliance with Chapter 9, Section 11-902 "Contents of the Site Plan" (as amended 731-9-2008)
- (b) Churches
- (c) Schools
- (d) Community centers
- (e) Public, parochial and private non-profit libraries, museums, art galleries and observatories
- (f) Municipal, state and federal, county uses
- (g) Cemeteries provided that there is a minimum of two (2) acres.
- (h) Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Chapter 3, Section 11-313 "Telecommunications Tower Requirements."

## 3. Prohibited Uses

Any use not allowed by right, by accessory or by use on appeal is prohibited in the R-2 Medium Density Residential Districts.

4. Regulations Controlling Lot Area, Lot Width, Yards and Building Height

(a) Minimum Required Lot Area (as Amended Ord. 729-9-2008)

Single-family detached dwelling - 10,000 square feet.  
Two-family (duplex) dwellings - 13,000 square feet.

(b) Minimum Lot Width at the Building Line(as Amended Ord. 729-9-2008)

80 feet

(c) Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade.

(d) Yard Requirements

(1) Front Yards

Minimum of thirty (30) feet. On double frontage lots and corner lots, there shall be front yard on each street.

(2) Side Yards(as Amended Ord. 729-9-2008)

10 feet

(3) Rear Yards

30 feet.

5. Site Plan Review for Community Facility Uses

- (a) Prior to issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted for review and approval in accordance with provisions contained in Chapter 9 of this Ordinance. (As amended by Ordinance 494-2-93)

### 11-503. R-3 High Density Residential Districts

These districts are designed to provide suitable areas for high density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. Generally, these districts will be characterized by single family detached dwellings, duplexes, and multiple family dwellings and townhouses.

These districts also include community facilities, public utilities, and open uses which serve the residents of these districts.

#### 1. Uses Permitted

- (a) Single family detached
- (b) Two-family (duplex)
- (c) Multiple family
- (d) Townhouses
- (e) Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church,
- (f) Parks, playgrounds and playfields
- (g) Accessory uses or structures customarily incidental to the above permitted uses.
- (h) Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops, barber shops, gift shops, florist shops or business or professional offices.

#### 2. Uses Permitted on Appeal

- (a) Churches
- (b) Schools
- (c) Community centers
- (d) Public, parochial and private non-profit libraries, museums, art galleries and observations
- (e) Municipal, state and federal, county, uses

- (f) Cemeteries provided that there is a minimum of two (2) acres.
- (g) Day Care centers, group day care homes and family day care homes, not urn by and on the premises of a church. Day care centers, group day care homes, and family day care homes may be permitted by the Board of Zoning Appeals upon review and approval of a site plan which meets requirements of chapter 9 and other applicable regulations, except that the Board of Zoning Appeals may waive the requirement of a site plan for a family day care home upon recommendation of the planning staff. The approval of the site plan and use may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is to be located. At a minimum, the day care operations approved shall meet the following requirements:
- (h) Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Chapter 3, Section 11-313 “Telecommunications Tower Requirements.”

(1) Lot area.

Day care center	-	20,000 sq. ft.
Group day care home	-	12,000 sq. ft.
Family day care home	-	10,000 sq. ft.

(2) Fenced play area.

Day care center	-	4,000 sq. ft. plus 200 sq. ft. per planned child capacity over 20 children.
Group day care home	-	2,400 sq. ft.
Family day care home	-	1,400 sq. ft.

The Board of Zoning Appeals shall also specifically address the need for setback of fenced play area and buffering of the fenced play area from other residential lots, and may require setback and/or buffering to protect adjacent residential uses. All outdoor play activities shall be conducted within the fenced play area.

The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable City codes and ordinances. If a lower level of day care operation is proposed to be expanded to a higher level of day care operation with more children than initially the basis for approval, then the new operation shall need a new approval of use and site plan by the Board of Zoning Appeals, and shall be subject to appropriate regulations. (As amended by Ordinance No. 472-4-91)

3. Prohibited Uses

Any use not allowed by right, by accessory or use on appeal is prohibited in the R-3 Districts.

4. Regulations Controlling Lot Area, Lot Width, Yards and Building Height(as Amended Ord. 729-9-2008)

(a) Minimum Required Lot Area

- (1) Single family detached 7,000 square feet
- (2) Two family (duplex) 9,000 square feet
- (3) Multi-family 7,000 sq. ft. plus 2,000 for each additional dwelling unit
- (4) Townhouses 7,000 sq. ft. plus 2,000 sq. ft. for each additional dwelling unit.

(b) Minimum Lot Width at the Building Line

- (1) Single family detached 70 feet
- (2) Two family (duplex) 80 feet
- (3) Multi-family 90 feet
- (4) Townhouses 90 feet

\*Lot width for entire development not for townhouse lots.

(c) Minimum Distance Separating Buildings

The minimum distance separating buildings (end to end) shall be thirty (30) feet.

(d) Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade.

(e) Yard Requirements

(1) Front Yards(as Amended Ord. 729-9-2008)

25 feet.

\* On double frontage lots and corner lots, there shall be front yard on each street.

(2) Side Yards(as Amended Ord. 729-9-2008)

10 feet

\* Multiple family lots shall have minimum peripheral side yards at least twenty (20) feet.

(3) Rear Yards

25 feet

\* Multiple family lots shall have a minimum peripheral rear yard of at least twenty-five (25) feet.

5. Site Plan Review for Community Facility Uses, Multi-Family dwellings and Townhouses

- (a) For Community Facility Uses, Multi-Family Dwellings and Townhouses, prior to the issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted for staff review in accordance with provisions contained in Chapter 9 of this Ordinance. (As amended by Ordinance 494-2-93)

6. Design Standards for Multi-Family Dwellings and Townhouses

(a) Purpose

It is the express purpose of these provisions to establish design criteria to regulate proposed development and to guide the Planning Commission in its review of Site Plans.



(b) Open Space Requirements

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

(c) Access

- (1) Every structure shall be on a lot adjacent to a public street or with access to an approved private street.
- (2) Access and circulation shall provide adequately for fire fighting equipment, service deliveries, furniture, moving vans, and refuse collection.
- (3) Adequate pedestrian access shall be provided for each dwelling.

(d) Grouped Parking Facilities

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit which the space is to serve. When appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

(e) Privacy

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls, and landscaping shall be provided for the protection and privacy of the occupants, and as a means of screening objectionable views or uses and of reducing noise.

(f) Walks

Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets driveways, parking courts, or garages and for convenient circulation and access to all facilities.

(g) Recreation Areas

Adequate recreational facilities for the residents of the project shall be provided in a location which is accessible to the living units and which does not impair the view and privacy of the living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Active recreation areas shall be provided which are appropriate for the needs of the residents. Well-equipped playgrounds of adequate size shall be provided where it is anticipated that children will occupy the premises.

(h) Planting

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

(l) Utilities

All utilities for the proposed development must be shown on the site plan. A drainage plan must be submitted along with the site plan.

7. Subdivision Plat Requirement

A subdivision plat for townhouse development shall be submitted to the Planning Commission for review and approval according to the subdivision plat review procedures of the City of Savannah prior to Site Plan consideration by the Planning Commission. Such subdivision plat shall be separate and apart from an approved site plan but shall conform in lot layout, public improvements dedications, lot shape, and lot size to the proposed Site Plan and subdivision plat for a development may be approved at the same time providing that the above requirements are met.

#### 11-504. R-4 High Density Residential/Mobile Home Districts

These districts are designed to provide suitable areas for development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically feasible. These districts will be characterized by all types of residential development on subdivided lots.

These districts also include community facilities, public utilities, and open uses which serve the residents of these districts.

##### 1. Uses Permitted

- a. Single family detached
- b. Two-family (duplex)
- c. Multiple family
- d. Townhouses
- e. Mobile Home Parks (see Mobile Home Park Ordinance)
- f. Day care centers, group day care homes and family day care homes, provided they are run by a church and on the premises of the church,
- g. Parks, playgrounds and playfields
- h. Accessory uses or structures customarily incidental to the above permitted uses.
- i. Home occupations as defined and subject to the provisions of this Ordinance; except beauty shops, barber shops, gift shops, florist shops or business or professional offices.

##### 2. Uses Permitted on Appeal

- a. Churches
- b. Schools
- c. Community centers
- d. Public, parochial and private non-profit libraries, museums, art galleries and observatories
- e. Municipal, county, state and federal uses

- f. Group Homes
- g. Cemeteries provided that there is a minimum of two (2) acres.
- h. Day care centers, group day care homes and family day care homes, not run by and on the premises of a church. Day care centers, group day care homes, and family day care homes may be permitted by the Board of Zoning Appeals upon review and approval of a site plan which meets requirements of Chapter 9 and other applicable regulations, except that the Board of Zoning Appeals may waive the requirement of a site plan for a family day care home upon recommendation of the planning staff. The approval of the site plan and use may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is to be located. At a minimum, the day care operations approved shall meet the following requirements:

1. Lot area.

Day care center	-	20,000 sq. ft.
Group day care home	-	12,000 sq. ft.
Family day care home	-	10,000 sq. ft.

2. Fenced play area.

Day care center	-	4,000 sq. ft. plus 200 sq. ft. per planned child capacity over 20 children.
Group day care home	-	2,400 sq. ft.
Family day care home	-	1,400 sq. ft.

The Board of Zoning Appeals shall also specifically address the need for setback of fenced play area and buffering of the fenced play area from other residential lots, and may require setback and/or buffering to protect adjacent residential uses. All outdoor play activities shall be conducted within the fenced play area.

The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable City codes and ordinances. If a lower level of day care operation is proposed to be expanded to a higher level of day care operation with more children than initially the basis for approval, then the new operation shall need a new approval of use and site plan by the Board of Zoning Appeals, and shall be subject to appropriate regulations. (As amended by Ordinance No. 472-4-91)

- i. Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Chapter 3, Section 11-313 "Telecommunications Tower Requirements."

3. Prohibited Uses

Any use not allowed by right, by accessory or use on appeal is prohibited in the R-4 Districts.

4. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height(as Amended Ord. 729-9-2008)

(a) Minimum Required Lot Area

- 1. Single family detached - 7,000 square feet
- 2. Two family - 9,000 square feet
- 3. Multi-family - 7,000 sq. ft. plus 2,000 sq. ft. for each additional dwelling unit.
- 4. Townhouses - 7,000 sq. ft. plus 2,000 sq. ft. for each additional dwelling unit.
- 5. Mobile Home Parks - 2 acres with a minimum of 5,000 sq. ft. per mobile home unit.

(b) Minimum Lot Width at the Building Line

- 1. Single family detached 70 feet
- 2. Two family 80 feet
- 3. Multi-family 90 feet
- 4. Townhouses 90 feet
- 5. Mobile Home Parks 90 feet
- \* Mobile Homes within parks 50 feet

(c) Maximum Lot Coverage

50 percent of the lot

(d) Maximum Distance Separating Buildings

The minimum distance separating buildings (end to end shall be fifty (50) feet.

(e) Maximum Height

The maximum height of a front wall or other portion of a building or other structure at the street level shall be thirty-five (35) feet above the finished grade.

(f) Yard Requirements (as Amended Ord. 729-9-2008)

1. Front Yards

25 feet.

\*On double frontage lots and corner lots, there shall be front yard on each street.

2. Side Yards

10 feet

\* Multiple family lots shall have minimum peripheral side yards at least twenty (20) feet.

3. Rear Yards

20 feet.

\* Multiple family, townhouse and mobile home park lots shall have a minimum peripheral rear yard of at least twenty-five (25) feet.

5. Site Plan Review for Community Facilities Uses or Multi-Family, Townhouses, and Mobile Home Parks

- (a) For Community Facility Uses, Multi-Family Dwelling, Townhouses, and Mobile Home Parks, prior to the issuance of a building permit, a Site Plan for the use and development of the entire tract shall be submitted for Planning Commission review in accordance with provisions contained in Chapter 9 of the Ordinance. (As Amended by Ordinance 494-2-93)

6. Design Standards For Townhouses Development/Multi-family and Mobile Home Parks

(a) Purpose

It is the express purpose of these provisions to establish design criteria to regulate proposed development and to guide the Planning Commission in its review of Site Plans.

(b) Open Space Requirements

Common open space must be suitably improved for its intended use, but common open space containing natural features worth of preservation may be left unimproved. Any building, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space, having regard for its topography and unimproved condition.

(c) Access

(1) Every structure shall be on a lot adjacent to a public street or with access to an approved private street.

(2) Access and circulation shall provide adequately for fire fighting equipment, service deliveries, furniture, moving vans, and refuse collection.

(3) Adequate pedestrian access shall be provided for each dwelling.

(d) Group Parking Facilities

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit which the space is to serve. When appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample uses of trees, shrubs, hedges and screening walls.

(e) Privacy

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walls, and landscaping shall be provided for the protection and privacy of the occupants, and as a means of screening objectionable views or uses and of reducing noise.

(f) Recreation Areas

Adequate recreational facilities for the residents of the project shall be provided in a location which is accessible to the living units and which does not impair the view and privacy of the living units.

Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs to the residents. Active recreation areas shall be provided which are appropriate for the needs of the residents. Well-equipped playgrounds of adequate size may be provided which are appropriate for the needs of the residents. Well equipped playgrounds of adequate size may be provided where it is anticipated that children will occupy the premises.

(g) Walks

Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets driveways, parking courts, or garages and for convenient circulation and access to all facilities.

(h) Planting

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features, existing trees, shrubs evergreen and ground coverage shall be retained to the extent that they enhance the project, are effective as a screen planning or are useful in protecting slopes.

(i) Utilities

All utilities for the proposed development must be shown on the site plan. a drainage plan must be submitted along with the site plan.



7. Subdivision Plat Requirement

A subdivision plat for townhouse development shall be submitted to the Planning Commission for review and approval according to the subdivision plat review procedures of the subdivision plat review procedures of the City of Savannah prior to Site Plan consideration by the Planning Commission. Such subdivision plat shall be separate and apart from an approved Site Plan but shall conform in lot layout, public improvement dedications, lot shape, and lot size to the proposed Site Plan for the development. The proposed Site Plan and subdivision plat for a development may be approved at the same time providing that the above requirements are met.

11-505. PUD - Planned Unit Development District

A. ADMINISTRATION

Any request pertaining to the establishment of a PUD zoning district or changes to an existing PUD ordinance shall be considered an amendment to the zoning chapter, and shall be administered and processed in accordance with the provisions of this chapter.

B. PURPOSE

The purpose of this section is to encourage the development of various type planned developments under a single master plan, where the traditional density, bulk, spacing

and use regulations of all other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. These districts are intended to promote flexibility in site planning and structure location, to facilitate the provision of utilities and circulation systems, as well as to preserve the natural and scenic features of the parcel. All planned developments should be designed to ensure that the following general goals are achieved:

- (1) The proposed development shall be of such design that will efficiently use available land and will protect and preserve, to the greatest extent possible, natural features of the land such as trees, streams, and topographic features.
- (2) The development will be located in an area where transportation, police and fire protection, schools and other community facilities and public utilities, including public water and sewer service, are or will be available and adequate for the uses and densities proposed. The applicant may, where appropriate, make provisions for such facilities or utilities, which are not presently available.

#### C. STATEMENT OF INTENT

- (1) To encourage the development of residential and/or nonresidential communities which provide a full range of harmonious land uses, including multiple residential types, along with supporting recreational, religious, and educational facilities to serve residents of the district at various densities.
- (2) To promote flexibility in site planning and structure location that facilitates the provision and use of efficient circulation and utility systems, and preservation of natural and scenic features, resulting in diversity of scale, style and details that foster a strong sense of community.
- (3) To permit the development of such communities where there is a demand for housing, as well as supporting businesses and other services, and adequate where community facilities and infrastructure are existing or are planned in the City.
- (4) To provide a mechanism for evaluating alternative zoning regulations proposed with each application on its own merit, emphasizing that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications set forth in this article, but to permit innovative and creative design of communities in the City of Savannah.

#### D. REGULATORY EFFECTS.

- (1) Consideration of a request for approval of a planned unit development (PUD) is based upon submission of a concept development plan. The concept

development plan consists of both visual and written representations of the proposed layout and/or design of the planned development, including alternative zoning regulations.

(2) Approval of a request to rezone a specific parcel or tract of land to planned unit development (PUD) constitutes a change in the City's zoning map and zoning requirements applicable to those parcels included in the rezoning request.

(3) No action of the Board of Zoning Appeals shall be required in the approval of a PUD or PURD.

(4) Wherever the approved concept development plan and accompanying documents conflict with provisions in the City's zoning ordinance and land development regulations, provisions of the concept development plan, as approved by the City Commission shall supersede. All land development requirements of the City of Savannah not specifically addressed by the concept development plan apply.

(5) Transfer of ownership of a parcel or tract of land zoned planned unit development does not invalidate the regulatory effect of the approved rezoning, including the concept development plan.

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

## E. DEVELOPMENT AND STAGING

The expeditious construction of any planned development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved preliminary site plan and subsequent approved final site plan.

(1) *Start of development.*

(a) In the absence of an approved phasing plan, an application for approval of a final site plan(s) for the entire planned development shall be submitted for review by the Planning Commission within two years from

and after the date of the action approving a preliminary site plan. Failure to comply with this provision may result in the expiration of the previously approved preliminary site plan.

(b) Within one year from and after the date of the action approving the final site plan(s), actual construction shall have commenced in such development on the property that is the subject of an approved final site plan(s). Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading, including demolition or removal of existing structures necessary for the development. If actual construction is not commenced within this one year period, the final site plan(s), in concurrence with the preliminary site plan, may be terminated as provided herein.

(2) *Completion period.* The Savannah Planning Commission may recommend and the City Commission may establish a reasonable period of time, which may include a phasing plan, for the completion of the planned development at the time the preliminary site plan is approved. It is contemplated that several final site plans for different portions of the property encompassed in the preliminary site plan will be submitted for approval from time to time.

(a) If the development staff determines that no actual construction has begun in the planned development within the time period specified herein, the City Commission may in its discretion terminate the final site plan, along with the preliminary site plan, by giving written notice to the applicant, and the final site plan, along with the preliminary site plan, shall be of no further effect.

(b) Upon the request of the applicant and review of the recommendation of the Planning Commission, the City Commission may extend for a reasonable time, not to exceed one year, the period for the commencement of actual construction of the planned development or of the improvements contemplated by the subject final site plan. The Planning Commission and City Commission may consider such request before or after the expiration of the time periods set forth herein. If a final site plan, along with the preliminary site plan, is terminated under the provisions of this section, the Development Director shall remove the planned development designation from the Official Zoning Map as to the appropriate property and shall file a notice of revocation with the recorded preliminary site plan and final site plan. The zoning regulations applicable before the development was approved shall then be in effect as to the balance of the property encompassed within the preliminary site plan and for which no construction has commenced within the time periods provided herein.

(3) *Staging of development.* The City Commission may elect to permit the staging of development, in which case, the following provisions shall be complied with:

(a) Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surroundings at any stage of the development. The development staff shall review any proposed phasing plan and recommend to the Planning Commission a plan for the phasing and recommended construction of improvements, including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening.

(b) The commencement of actual construction of any stage of the planned development shall be governed by the provisions of subsection (E)(1).

(c) After commencement of actual construction, the Development Director shall review all applications for building permits. Only such building permits that are in compliance with the overall development phasing program shall be issued. The Development Director shall review, from time to time, the progress of all construction and compare it to the overall development phasing program. If the Development Director determines that the rate of construction of residential units or nonresidential structures substantially differs from the phasing program, the Development Director may issue such orders to the developer as are deemed necessary and upon continued violation of this subsection may suspend the developer from further construction until compliance is confirmed.

## F. MODIFICATIONS

All requirements included in this article may be modified by the City Commission as part of approval of a planned unit development if it is found that actions, designs or solutions proposed by the applicant, although not literally in accord with applicable regulations will satisfy public purposes to at least a comparable degree.

## G. DISTRICT SIZE AND LOCATION.

When mapped, a PUD district shall be shall be located:

- (1) With limited direct access to, primary transportation routes within the City;
- (2) In areas served by public water and sewer facilities; and
- (3) In areas where supporting business and other services are existing or planned (if not to be included within the proposed planned development).

## H. COMMUNITY TYPES/LAND USE MIX

The character of a planned community is to be defined by the proportional mix of land uses depicted on the approved concept development plan. The land use mix of each type of planned community should generally contain a mix comparable to the following:

(1) PLANNED UNIT RESIDENTIAL DEVELOPMENTS (PURD): Conventional neighborhoods characterized by homogeneous groupings of housing types, separation of differing land uses and a circulation network designed almost solely for the movement of motor vehicles.

**PERMITTED USES** The following uses, and similar uses not listed, shall be permitted in an approved PURD district, provided the proportion of land uses according to the community size and character identified on the concept development plan and the general community standards.

### AGRICULTURE

Land use for agricultural purposes including farming, horticulture, truck gardens and commercial nurseries; forestry and timber operations, fishing, hunting and trapping operations.

RESIDENTIAL, SINGLE-FAMILY-single family detached dwellings

RESIDENTIAL, SINGLE-FAMILY ATTACHED-Duplexes, patio homes, condominiums and Townhouses.

### RESIDENTIAL, MULTI-FAMILY

Multiplexes, Townhouses, garden apartment, apartment buildings and any other multi-family structure or group of structures on a single lot.

### SOCIAL AND CULTURAL

(a) Education - establishments providing for mental development and enlightenment of the individual, including universities and colleges, kindergartens, primary and secondary schools.

(b) Cultural and Arts Centers/Private Clubs - Establishments providing for the mental development and enlightenment of the individual and the development of the display and the performing arts, including museums, libraries, art galleries when non-profit and rehearsal and administrative activities associated with orchestral, choral, opera, ballet, dance, theatrical and other performing arts, but not including theaters or other structures and their associated activities when operated as commercial establishments. Establishments providing instruction in music, dance, crafts and art. Private and semi-private clubs, lodges, union halls, social centers, and similar establishments.

(c) Religion - Establishments providing for religious services and development, including churches, temples, synagogues, educational buildings and rectories.

(d) Recreation - Places for active or passive play including playgrounds, parks, tennis courts, ball fields, swimming pools, golf courses, recreational centers and other similar establishments designed for outdoor, or a combination of indoor and outdoor, recreational activities, but not including miniature golf courses, driving ranges, indoor tennis or racquetball, or other similar establishments designed primarily to provide entertainment or recreation as a commercial enterprise.

#### OPEN SPACE

A parcel, lot or tract of land not in use and lying idle in forest, wetlands, grass or natural vegetation.

#### ACCESSORY USES AND STRUCTURES

Accompanying accessory uses and structures allowed in the categories enumerated above shall be permitted to the extent they are customarily incidental and subordinate to the principal use of any lot within a planned development district and unrestricted by any private covenants or agreements attached to the concept development plan.

(2) **PLANNED UNIT MIXED DEVELOPMENT** A collection of traditional neighborhoods characterized by a mixture of various housing types, businesses and civic uses served by an interlocking grid patterns of streets and sidewalks, public parks and spaces designed to accommodate pedestrian and vehicular traffic with a full complement of services and amenities with an identifiable center of community activities and social interaction.

**PERMITTED USES** The following uses, and similar uses not listed, shall be permitted in an approved PUD district, provided the proportion of land uses according to the community size and character identified on the concept development plan and the general community standards

#### AGRICULTURE

Land use for agricultural purposes including farming, horticulture, truck gardens and commercial nurseries; forestry and timber operations, fishing, hunting and trapping operations.

**RESIDENTIAL, SINGLE-FAMILY**-single family detached dwellings

**RESIDENTIAL, SINGLE-FAMILY ATTACHED**-Duplexes, patio homes, Condominiums and Townhouses.

#### RESIDENTIAL, MULTI-FAMILY

Multiplexes, Townhouses, garden apartment, apartment buildings and any other multi-family structure or group of structures on a single lot.



## SOCIAL AND CULTURAL

(a) Education - establishments providing for mental development and enlightenment of the individual, including universities and colleges, kindergartens, primary and secondary schools.

(b) Cultural and Arts Centers/Private Clubs - Establishments providing for the mental development and enlightenment of the individual and the development of the display and the performing arts, including museums, libraries, art galleries when non-profit and rehearsal and administrative activities associated with orchestral, choral, opera, ballet, dance, theatrical and other performing arts, but not including theaters or other structures and their associated activities when operated as commercial establishments. Establishments providing instruction in music, dance, crafts and art. Private and semi-private clubs, lodges, union halls, social centers, and similar establishments.

(c) Religion - Establishments providing for religious services and development, including churches, temples, synagogues, educational buildings and rectories.

(d) Recreation - Places for active or passive play including playgrounds, parks, tennis courts, ball fields, swimming pools, golf courses, recreational centers and other similar establishments designed for outdoor, or a combination of indoor and outdoor, recreational activities, but not including miniature golf courses, driving ranges, indoor tennis or racquetball, or other similar establishments designed primarily to provide entertainment or recreation as a commercial enterprise.

## BUSINESS, RESIDENTIAL ACCOMODATION AND FOOD SERVICES

(a) Establishments providing for resort and short-term occupancy, including but not limited to hotels, motels and tourist homes, bed and breakfasts, inns, and apartment accommodations. Restaurants, news stands, gift shops and snack bars within the principal building designed to cater primarily to the guests of the facility may be considered as accessory uses.

(b) Recreational vehicle parks, campgrounds, and recreation and vacation camps. Parking lots, swimming pools, tennis courts, playgrounds, and laundry rooms designed to serve guests of the establishment may be developed as accessory uses.

(c) Restaurants (excluding limited service establishments).

(d) Rural retreats and Country Inns.

## BUSINESS, PRIMARY RETAIL

Establishments selling commodities in small quantities to the consumer, including but not limited to, drug stores department stores and stores selling general merchandise and variety merchandise, such as but not limited to, clothing, jewelry, and shoes, books, flowers, hardware, food and groceries, gifts, health and personal care goods, music, cameras, luggage, optical, cigars, candy, sewing machines, picture framing, sporting goods, stationary, watches, art supplies, sporting goods and hobby supplies, furs, leather goods, pet supplies, and saving stamp stores. Servicing of goods sold to customers may be provided as an accessory use.

## BUSINESS, RECREATION

Establishments providing recreation and entertainment primarily as a commercial activity, including theaters, billiards, pool halls, bowling alleys, skating rinks, dance halls, shooting galleries, taverns, clubs, convention centers, coliseums, golf driving ranges and miniature golf, video arcades, gymnasiums, racquetball and indoor tennis centers and other similar commercial recreation activities.

## BUSINESS, PERSONAL SERVICES

Establishments providing services pertaining to an individual or person's apparel and personal effects, including but not limited to barber and beauty shops, Laundromats, dry cleaning and laundry pick-up, tailor, dressmaker, diet and weight reducing center, nail salons, financial institutions, photographers' studio, jewelry and watch repair, and adult and child day care centers, provided that such facilities meet the minimum rules and regulations for licensing by the Tennessee Department of Social Services.

## PROFESSIONAL OFFICES

(a) Establishments of a business character which supply general needs of an intangible nature to the public without the attendant introduction of adverse environmental factors such as, but not limited to, noise increased traffic, and/or visual pollution, and including but not limited to, establishments performing the management duties in the conduct of government, business, industry, or welfare, including administrative offices of federal, state and local governments, utilities, businesses and social welfare organizations. Also, establishments engaged in providing monetary and specialized professional knowledge (except medical) such as architects, advertising agencies, legal services, credit and finance, brokers, banks, Chambers of Commerce, professional organizations, business consultants, photographers, management companies, administrative support services, and real estate and insurance agents;

(b) Medical - Establishments engaged in the science and art of preventing, curing, or alleviating disease, including medical, surgical, psychiatric and dental hospitals, clinics and offices, but excluding veterinary clinics and associated uses.

(c) Institutional - Establishments organized by the community through corporate efforts for the social care of a class or group of persons, including but not limited to homes and institutions for the deaf, blind, aged, orphaned, sanitariums; and nursing and residential care facilities.

(d) Educational Services – Establishments providing instruction and training of a highly specialized nature on a contractual basis, such as business and secretarial schools, technical and trade schools, and cosmetology schools, sports and recreation instruction and automobile driving schools. Institutions listed in Use Group 6 are not included.

(e) Related - Establishments complementing medical and institutional operations, including but not limited to flower and gift shops, and apothecary shops located within the same building or complex as the use it complements.

## BUSINESS, OFFICE SERVICE

Establishments of a business character which provide specialized office needs to individuals or other businesses, including but not limited to duplicating and printing shops, addressing and mailing services, stenographic and letter writing services, and establishments providing blueprinting and film developing services.

## COMMUNITY SERVICES

(a) General Government administrative offices for agencies that administer oversee and manage public programs and activities not performed by private establishments.

(b) Public Safety Facilities - Fire, police and rescue operations, including substations.

(c) Cemeteries.

## OPEN SPACE

A parcel, lot or tract of land not in use and lying idle in forest, wetlands, grass or natural vegetation.

## ACCESSORY USES AND STRUCTURES

Accompanying accessory uses and structures allowed in the categories enumerated above shall be permitted to the extent they are customarily incidental and subordinate to the principal use of any lot within a planned development district and unrestricted by any private covenants or agreements attached to the concept development plan.

## I. MAXIMUM DEVELOPMENT DENSITIES

There are no minimum lot sizes or yard requirements. However, lot sizes and dimensions must be shown on the Preliminary Development Plan that shall be approved by the Planning Commission and City Commission. Development density approved shall not exceed that which can be served by adequate public facilities either existing or planned at the time of rezoning. The overall density of a proposed planned unit development shall not exceed that shown on the approved concept development plan or the following, whichever is less:

(1) *Net residential densities.* No more than 16.0 dwelling units per net acre of land area may be developed within an individual residential land bay of a proposed planned development.

(2) *Nonresidential density.* Principal nonresidential buildings and appurtenant structures and facilities, including parking areas, shall not exceed .80 times the gross land area of the lot.

## J. BUFFERING

A minimum 50ft. perimeter buffer shall be provided to protect development from undesirable noise, light or other off-site influences.

## K. BUILDING HEIGHT

Thirty-five feet for single family detached structures. Other residential structures or nonresidential buildings may be erected to a maximum height of 100 feet if set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than three feet for each one-foot of height that it exceeds the 35-foot limit and unless the entity providing fire protection service certifies either:

- a. That it can provide adequate fire protection service to a taller structure at the site in question; or
- b. That the proposed structure incorporates fire protection systems, such as sprinklers, that will provide adequate fire protection to a taller structure at the site in question.

The certification will state the maximum height to which adequate fire protection is available, and the structure may be built to this height; provided that the entity providing fire protection service shall not certify any extension in allowable height that will adversely affect the entity's or the City's ISO fire rating.

## L. COMMUNITY PERFORMANCE GUIDELINES

(1) *Access and circulation.* Within any PUD district, the concept development plan shall provide for efficient groupings of structures, uses and facilities, served by a network of interconnected streets and sidewalks that allow for smooth and convenient traffic flow within the district and at points of entry and exit.

- a. Each planned development community shall have direct vehicular access to at least one existing roadway classified as an arterial or collector road by the TDOT, without using local streets in adjacent lower density residential neighborhoods. The design of each access point shall meet TDOT standards.
- b. No individual use or lot created within a PUD district shall be located so as to have direct vehicular access to any public roadway classified as an arterial or collector.
- c. Primary access and through traffic for nonresidential vehicles shall be avoided to minimize impacts on residential neighborhoods. Local streets internal to a planned development shall be connected with streets outside the district in such manner that encourages the use of such internal streets by through and construction traffic.

d. Where environmental conditions, site size and shape permits, the developer is encouraged to use a neotraditional grid and /or traffic calming street patterns and designs.

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

*Landscaped/ open space.* A minimum of 10 percent of the total land area designated for single family residential uses, 20 percent of the total land area designated for multifamily residential uses, and 25 percent of the total land area designated for nonresidential uses shall be set aside as open space for the enjoyment and use of all residents. Particular care should be taken to organize landscaped open space in such a way as to maximize the visual effects of green spaces as seen from public ways.

(1) Common open space must be usable for recreational purpose or must provide visual, aesthetic environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography and the number and type of structures to be provided.

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

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

(4) No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Savannah Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the

size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes and the existence of public parks or other public recreational facilities in the vicinity.

- (5) All land shown on a plan as common open space may be either:
  - (a) Conveyed to a public body, if the public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or
  - (b) If the common open space is deeded to a Homeowner's and/or Property Owners Association, the developer shall file a declaration of covenants and restrictions that will govern the association to be submitted with the application for final site plan.

*Utilities and improvements* The Planning Commission and the City Commission may, as a condition of approval and adoption and in accordance with the final site plan, require that suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.

- (1) *Bond requirements for improvements.* City Commission may require that a performance bond be furnished and filed with the City of Savannah for private and public improvements. The bond or other adequate security shall be approved by the City Commission as to form and content and shall be required in the amount of 100% of the estimated construction cost and engineering. The security may be disbursed upon certification by the City Engineer and by the City acting through the Development Director. The bond or other adequate security shall accompany the request for final site plan approval to insure completion of all improvements, including, but not limited to public site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting and screening, as recommended by the Development Director.

*Development contract.* After a final site plan is approved by the City Commission, the developer, and owner, if different from the developer, must enter into a development contract with the City of Savannah Board of Mayor and Aldermen relative to all required improvements.

## CHAPTER 6

### PROVISIONS GOVERNING BUSINESS DISTRICTS

#### SECTIONS

11-601. B-1 (Neighborhood Business) Districts

11-602. B-2 (General Business) Districts

11-603. B-3 (Central Business) Districts

11-604. B-4 (Highway Commercial) Districts

11-601. B-1 (Neighborhood Business) Districts. Within the B-1 (Neighborhood Business) Districts as shown on the Zoning Map of Savannah, Tennessee, the following regulations shall apply:

#### 1. Uses Permitted

- (a) Retail Sales: bakery and dairy products; book stores, camera shops; drugs and pharmaceuticals; florist shops; gift shops; groceries, hardware; and liquor stores.
- (b) Services: service stations; motor vehicle fuel retail outlets; banks; savings and loan associates; beauty and barber shops; funeral homes; laundry and dry cleaning facilities; medical, dental, business and professional offices; radio and television sales and service; restaurants (indoor); shoe repair; day care centers, group day care homes. (As amended by Ordinance 472-4-91 and 497-4-93 and 507-11-93)
- (c) Churches; and federal, state, and municipal, county uses.
- (d) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way nor shall they be lighted by flashing or rotating lights.
- (e) Any accessory use or building customarily incidental to the above permitted uses.
- (f) Telecommunications Towers subject to site plan review and in compliance with the provisions of Chapter 3, Section 11-313 "Telecommunications Tower Requirements."

#### 2. Uses Permitted on Appeal

Any other use which in the opinion of the Board of Zoning Appeals is similar in character and not detrimental to the neighborhood.

3. Uses Prohibited

Any use not specifically permitted or permissible on appeal in this section.

4. Regulations Controlling Lot Area, Lot Width, Yards and Building Height

(a) Minimum required lot area

(1) Churches - 15,000 sq. ft. or 200 sq. ft. or lot area per auditorium seating space whichever is greater.

(2) Other Uses - No minimum requirement

(b) Other required lot width at building line

(1) Service Station & Motor Vehicle Fuel Retail Outlets - 120 feet

(2) Churches - 60 feet

(3) Other Uses - No minimum requirement

(c) Minimum required front yard.

(1) Service Station & Motor Vehicle Fuel Retail Outlets - 20 feet

(2) Churches - 30 feet

(3) Other Uses - 25 feet

(d) Minimum required rear yard.

(1) All uses - 20 feet

(e) Minimum required side yard on each side of lot.

(1) Churches - 15 feet

(2) Other Uses - None required, however, if buildings do not have common or adjoining walls, there shall be a side yard of at least five (5) feet.

(3) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.



- (f) Minimum required side yard for side facing street on corner lots shall be 30 feet.
- (g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way.
- (h) Maximum permitted height of structures.
  - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five feet, not to exceed sixty-five (65) feet however;
  - (2) On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
  - (3) No accessory building shall exceed two (2) stories in height.
  - (4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.
- (i) Site Plan Review
  - (1) Prior to issuance of a building permit, a site plan of the entire tract shall be submitted for staff review in accordance with provisions contained in Chapter 9 of this Ordinance. (As Amended by Ordinance 494-2-93)
- (j) Other Requirements
  - (1) Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for parking; loading and other accessory uses which by their nature must exist outside a building.
  - (2) Outside Display

No outside display of merchandise shall be permitted beyond the front building line.

(3) Exterior Storage

Exterior Storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such facilities shall be appropriately screened and maintained using the same materials from which the principal use is constructed.

11-602. B-2 (General Business) Districts Within the B-2 (General Business) Districts as shown on the Zoning Map of Savannah, Tennessee, the following regulations shall apply:

1. Uses Permitted

- (a) Retail Sales: agricultural implements sales and service; air conditioning, heating and plumbing supplies, automobile parts; automobile sales and service; bakery and dairy products; boats and boating equipment sales and service; book stores, camera shops; clothing and dry goods; cloth shop; department stores and general merchandise; drugs and pharmaceuticals; floor coverings and draperies; florist shops, furniture; gift shops; household appliances; jewelry stores; lawnmower sales and service; liquor stores; lumber and building materials; mobile home sales and service; musical instruments; newspaper stand; nursery and greenhouse; paint and wallpaper; pet shops; records and phonographs; shoes; sporting goods; swimming pool supplies; tires; variety stores; fireworks pursuant to the provisions of title 7, Section 7-402 (As amended by Ordinance 620-3-2001) and
- (b) Services: animal hospital; banks; savings and loan associates; beauty and barber shops; schools of business, art, music, dance, driving, and any education through correspondence; commercial recreation; funeral homes; laundry and dry cleaning; business, medical and professional offices; motels and hotels; movie theaters; billiard parlors; moving company; installation of outdoor advertising signs and structures; pest exterminator; photography studios; printing; radio and television sales and service; restaurants; sheet metal shop; shoe repair; tailoring and dressmaking; truck stops; trucking terminals; upholstery shops; watch repair; day care centers, group day care homes. (As amended by Ordinance No. 472-4-91, 497-4-93 and 507-11-93)
- (c) Churches; and federal, state, and municipal uses.
- (d) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way, nor shall they be lighted by flashing or rotating lights.
- (e) Any accessory use or building customarily incidental to the above permitted uses.
- (f) Mini-warehouses, provided that any such mini-warehouse structure shall not be utilized to store hazardous waste, items for bulk transshipment, or any inventory of a manufacturing operation. (As amended by Ordinance No. 489-11-92)

- (g) Telecommunications Towers subject to site plan review and in compliance with the provisions of Chapter 3, Section 11-313 "Telecommunications Tower Requirements."

2. Uses Permitted on Appeal

Any other use which in the opinion of the Board of Zoning Appeals is similar in character and not detrimental to the neighborhood.

- (a) Elderly congregate living and elderly assisted living facilities, as defined by this ordinance, subject to the following requirements:

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

1. Open space. A minimum thirty (30) percent of the total area to be developed for an elderly living facility shall be devoted to open space.
2. Landscaping. A landscape screen having a minimum width of ten (10) feet shall be provided along all rear and side lot lines contiguous to roadways or land zoned R-1, R-2, or R-3 districts. Such a landscape screen may be located in the required perimeter side and/or rear yards but shall not extend beyond the required front yard.
3. Minimum lot area.
  - (a) Elderly congregate living - 6,000 square feet for the first dwelling unit, plus 2,000 square feet for each additional unit.
  - (b) Elderly assisted care living - 6,000 square feet for the first assisted care living unit, plus 1,200 square feet for each additional unit.
4. Minimum lot width at the building line.
  - (a) Elderly congregate living - 100 feet
  - (b) Elderly assisted care living - 100 feet
5. Yard regulations:

(a) Front yard. There shall be a required perimeter front yard having a minimum depth as follows. This yard shall be an open area with no encroachments permitted including drives, parking areas, porches, or patios, with the exception of entrances.

(i) Elderly congregate living - 25 feet

(ii) Elderly assisted care living - 20 feet

(b) Side yard. There shall be required perimeter side yards having a minimum depth of not less than fifteen (15) feet each between any building and side property line. This yard shall be an open area with no encroachments permitted including drives, parking areas, porches, or patios, with the exception of entrances.

(c) Rear yard. There shall be a required perimeter rear yard having a depth of not less than twenty (20) feet as measured between the rear lot line and any portion of a building. This yard area shall be an open area with no encroachments permitted including drives, parking areas, porches, or patios, with the exception of entrances.

6. Height regulations. No structure shall exceed thirty-five (35) feet in height as measured from the average of the finished ground elevations at the front line of the building except where the building is adjacent to a public street, in which case the height shall be measured at the perimeter yard building line. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas or aerials, and water tanks; provided they comply with the provisions of all pertinent codes and ordinances, and provided further that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

7. Parking requirements. Off street parking shall be provided on the same tract as the assisted-care living units, but not in the required perimeter front, side or rear yards. See Section 11-308 (4).

8. Accessory building:
  - (a) Accessory buildings shall not extend into the required front, side or rear perimeter yards.
  - (b) Such buildings shall not be closer than fifteen (15) feet to the principal building.
  - (c) Accessory buildings shall not exceed twenty (20) feet in height and shall not be closer than five (5) feet to a recorded easement. However, this provision shall not apply to structures containing habitable space.
  
9. Site plan approval. Prior to the approval of any elderly living facility, the developer shall submit a preliminary site plan to the planning commission for review. The preliminary plan shall:
  - (a) Be drawn to an appropriate scale;
  - (b) Including:
    - Existing zoning;
    - Existing and proposed roads and drainage;
    - Curb cuts, drives and parking areas;
    - Lot lines;
    - Building lines;
    - Open space and recreational areas;
    - Boundaries, tracts and names of adjacent property owners;
    - Existing sewer and water lines;
    - Contours at vertical intervals of five (5) feet or less;
    - Exhibit a vicinity map showing the relation of the proposed development to the city;
    - Proposed landscape areas;

Show the relation of the proposed development to:

- (i). The street system; and
- (ii). The surrounding property and use districts.

Contain a certification by a licensed civil engineer or land surveyor that the boundaries have been surveyed and are true and correct and that all encroachments, easements and rights-of-way are shown;

Provide a form for certification of approval by the Secretary of the Planning Commission;

Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets as shown on the plan and agree to make any required improvements to adjacent streets as shown on the plan.

- (10) Where appropriate, all requirements of Title 68, Chapter 11 of the Tennessee Code Annotated, together with any and all other statutes and rules and regulations of the State of Tennessee, the United States and/or any other regulatory authority governing such facilities shall be met.

(As amended by Ordinance 580-4-99)

3. Uses Prohibited.

Any use not specifically permitted or permissible on appeal in this section.

4. Regulations Controlling Lot Area, Lot Width, Yards and Building Height

(a) Minimum required lot area.

- (1) Churches - 15,000 sq. ft. or 200 sq. ft. or lot area per auditorium seating space whichever is greater.
- (2) Other Uses - No minimum requirement

(b) Minimum required lot width at building line

- (1) Service Stations & Motor Vehicle Fuel Retail Outlets - 120 feet
- (2) Churches - 100 feet
- (3) Other Uses - No minimum requirement

- (c) Minimum required front yard
  - (1) All Uses - 25 feet
- (d) Minimum required rear yard
  - (1) All uses - 20 feet
- (e) Minimum required side yard on each side of lot
  - (1) Churches - 15 feet  
(As amended by Ordinance 548-5-97)
  - (2) Other Uses - None required, however, if buildings do not have common or adjoining walls, there shall be a side yard of at least five (5) feet.
  - (3) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.
- (f) Minimum required side yard for side facing street on corner lots shall be 25 feet.
- (g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way.
- (h) Maximum permitted height of structures.
  - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five feet, not to exceed sixty-five (65) feet however;
  - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
  - (3) No accessory building shall exceed two (2) stories in height.



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

(i) Site Plan Review

(1) Prior to issuance of a building permit, a site plan of the entire tract shall be submitted for staff review in accordance with provisions contained in Chapter 9 of this Ordinance. (As Amended by Ordinance 494-2-93)

11-603. B-3 (Central Business) District. Within the B-3 (Central Business) District as shown on the Zoning Map of Savannah, Tennessee, following regulations shall apply:

1. Uses Permitted

- (a) Retail sales: air conditioning, heating and plumbing supplies; automobile parts; bakery and dairy products; book stores; camera shops; clothing and dry goods; cloth shops; department stores and general merchandise; drugs and pharmaceuticals; floor coverings and draperies; florist shops; furniture; gift shops; groceries; hardware; hats; hobby shops; household appliances; jewelry stores; lawnmower sales and service; liquor stores; motorcycle and bicycle sales and service; musical instruments; newspaper stands, sporting goods; paint and wallpaper; pet shops, swimming pool supplies, records and phonographs; shoes; sporting goods; tires; and variety stores.
- (b) Services: service stations, motor vehicle fuel retail outlets; banks; savings and loan associates; barber shops; beauty shops; business, art and music schools; commercial recreation; correspondence schools; dancing schools; driving schools; funeral homes; laundry and dry cleaning pick up stations and self-service laundry and dry cleaning facilities; business and professional offices; motels and hotels; movie theaters and billiard parlors; photography studios; painting, radio and television sales and service; restaurants; shoe repair, tailoring and dressmaking; upholstery shops; and watch repair.
- (c) Churches, clubs and lodge halls, residential apartments, and federal, state, municipal, and county uses. (As amended by Ordinance No. 484-7-92)
- (d) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way nor shall they be lighted by flashing or rotating lights.
- (e) Any accessory use or building customarily incidental to the above permitted uses.
- (f) Telecommunications Towers subject to site plan review and in compliance with the provisions of Chapter 3, Section 11-313 "Telecommunications Tower Requirements."

2. Uses Permitted on Appeal.

Any other use which in the opinion of the Board of Zoning Appeals is similar in character and not detrimental to the neighborhood.

3. Uses Prohibited.

Any use not specifically permitted or permissible on appeal in this section.

4. Other Requirements

(1) Exterior Storage

Exterior storage of goods and materials of any kind is prohibited.

The placement of waste disposal facilities shall be in the rear of buildings only.

11-604. B-4 (Highway Commercial) Districts. The Primary purpose of this district is to recognize and allow a limited range of commercial establishments with the potential for high traffic generation. Such districts should be situated in areas of the City having a minimal proximity to religious and educational facilities and residential neighborhoods. Areas zoned B-4 (Highway Commercial) should be situated along major thoroughfares, with access to adequate utilities.

Within the B-4 (Highway Commercial) District, the following regulations shall apply.

1. Uses Permitted.
  - A. Wholesale and Retail Trade.
  - B. Services Limited to:
    1. Finance, Insurance and real estate services (61).
    2. Personal Services (62).
    3. Business Services (63) excluding: Warehousing and storage services (637).
    4. Professional Services (65) excluding: Hospitals (6513) and Sanitariums, convalescent and rest home services (6516).
    5. Governmental Services (67).
    7. Miscellaneous Services (69).
  - C. Hotels, Motels and Transient Lodging
  - D. Transportation, Communication and Utilities Limited to:
    1. Utilities (48) Limited to:
      - a. Electric (481)
      - b. Gas (482)
      - c. Water (483)
  - E. Cultural, Entertainment and Recreational Uses

- F. Telecommunications Towers subject to site plan review and in compliance with the provisions of Chapter 3, Section 11-313 “Telecommunications Tower Requirements.”
2. Uses Permitted on Appeal. Following public notice and hearing and subject to appropriate conditions and safe-guards, The Board of Zoning Appeals may permit:
    - A. Adult Oriented Businesses: Adult oriented businesses as defined in Chapter 2 of this ordinance may be permitted provided that no Zoning Compliance Permit or Certificate of Occupancy for such use shall be issued without written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that::
      1. Such use is conducted under or in conjunction with the permitted uses allowed by right within this district, and;
      2. Such use is situated within facilities located no closer than 1,500 feet to pre-existing churches, schools or residences, and;
      3. All signs and exterior displays relative to such use shall be limited to exclude obscenities including depictions, likenesses or representations of “Specified Anatomical Areas” and “Specified Sexual Activities” as defined in Chapter 11 of this ordinance.
      4. The property and the facility housing such use meets all yard standards, parking requirements, site plan review requirements and all other applicable provisions of this ordinance.
  3. Uses Prohibited. All uses not specifically permitted herein are prohibited.
  4. Minimum Lot Size.

All uses - 1 acre or greater if required by the county environmentalist based on soil characteristics
  5. Minimum Lot Width at the Building Line.

All uses - 100 feet
  6. Minimum Front Yard Depth.
    - A. All lots fronting arterial streets - 60 feet

B. All other Lots - 45 feet

7. Minimum Side Yard.

All uses - 20 feet

8. Minimum Rear Yard Depth.

All uses - 30 feet except when abutting residential property, 40 feet

9. Maximum Building Coverage (total all buildings).

All uses - Forty (40%) percent

10. Maximum Building Height.

A. Buildings in General: No building shall exceed 35 feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

B. Accessory Buildings: No accessory building shall exceed 35 feet in height.

11. Off-Street Parking, Loading and Unloading Requirements.

These requirements are specified in Chapter 3.

12. Site Plan Reviews.

Prior to the issuance of a Zoning Compliance Permit, all site plan requirements as set forth in Chapter 9 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any Zoning Compliance Permit. The site plan shall be maintained in the permanent files of City of Savannah.

(Ordinance 551-8-97)

## CHAPTER 7

### PROVISIONS GOVERNING FLOOD DISTRICTS

#### SECTION

11-701. F-H Flood District

#### ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

##### Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Tennessee Code Annotated 13-7-302 through 13-7-306 further provides for the establishment of zones or districts outside the municipality to regulate the location, right bulk, number of stories and size of buildings, the percentage of lot occupancy, the required open spaces, density of population and the uses of land, buildings, and structures. Therefore, the Savannah, Tennessee Mayor and Board of Commissioners, does ordain as follows:

##### Section B. Findings of Fact

1. The Savannah Mayor and Board of Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

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

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

### Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

### Section D. Objectives

The objectives of this Ordinance are:

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



## ARTICLE 2. DEFINITIONS

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

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

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

“Acts” means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

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

“Appeal” means a request for a review of the Building Official’s interpretation of any provision of this Ordinance or a request for a variance.

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

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

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

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

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

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

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

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

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

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

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

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

“Existing Construction” any structure for which the “start of construction” commenced before the effective date of this Ordinance.

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

“Existing Structures” see “Existing Construction”

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

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

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

“Flood Elevation Determination” means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study” is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

“Floodplain” or “flood—prone Area” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

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

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

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

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

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

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

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

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

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

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

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

“Historic Structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

“Map” means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

“Mean Sea Level” means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community’ s Flood Insurance Rate Map are referenced.

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

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

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

“100—year Flood” see “Base Flood”.

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

“Recreational Vehicle” means a vehicle which is:

1. built on a single chassis;

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

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

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

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

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State Coordinating Agency” (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

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

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

“Substantial Improvement” means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

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

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

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

“Water Surface Elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

### ARTICLE 3. GENERAL PROVISIONS

#### Section A. Application

This Chapter shall apply to all areas within the planning region of Savannah, Tennessee.

#### Section B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified on the Savannah, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470084C, 01-06; Effective



Date: July, 1986 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the Savannah, Tennessee Regional Zoning Map.

#### Section C. Requirement for Development Permit

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

#### Section D. Compliance

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

#### Section E. Abrogation and Greater Restrictions

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

#### Section F. Interpretation

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

#### Section G. Warning and Disclaimer of Liability

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

## Section H. Penalties for Violation

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

## ARTICLE 4. ADMINISTRATION

### Section A. Designation of Building Inspector

The Building Inspector is hereby appointed to administer and implement the provisions of this Ordinance.

### Section B. Permit Procedures

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

#### 1. Application stage

a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.\*

b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.\*

c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4. Section B.2, where base flood elevation data is available (see 2. below).

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

## 2. Construction Stage

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

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

### Section C. Duties and Responsibilities of the Building Inspector

Duties of the Building Inspector shall include, but not be limited to:

1. Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Advice to permit-tee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4. Section B.2.

5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4. Section B.2.

6. When flood-proofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Article 4. Section B.2.

7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6.

8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this Chapter.

(Optional additional requirement)

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

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

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

## ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

### Section A. General Standards

In all flood prone areas the following provisions are required:

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

### Section B. Specific Standards

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

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

1. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5. Section B.3.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Inspector as set forth in Article 4. Section B.2.

3. Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

- i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- ii. The bottom of all openings shall be no higher than one foot above grade; and
- iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article 5. Section B. of this Chapter.

#### 4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

- i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
- ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
- iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article 5. Section B.4.b.i. and ii. above.

c. All recreational vehicles placed on sites must either:

- i. Be on the site for fewer than 180 consecutive days;
- ii. Be fully licensed and ready for highway use; or
- iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5. Section B.4.a. or b.i. and ii, above.

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

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

#### Section C. Standards for Areas of Special Flood Hazard Zones A1—30 and AE With Established Base Flood Elevation But Without Floodways Designated

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

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

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

#### Section D. Standards For Areas of Shallow Flooding (AO and AH Zones)

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

1. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

2. All new construction and substantial improvements of nonresidential buildings shall:



a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,

b. together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

#### Section E. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Article 3. Section B. are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

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

#### Section F. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated

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

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

2. If Article 5. Section F. 1. above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

#### Section G. Standards For Unmapped Streams

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

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

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

#### Section H. Standards for Subdivision Proposals

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

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

#### ARTICLE 6. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of special flood hazard within the Savannah, Tennessee Planning Region.

## Section A. Board of Zoning Appeals

1. The Savannah Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.

2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

- a. The danger that materials may be swept onto other property to the injury of others;
- b. The danger to life and property due to flooding or erosion;
- c. The susceptibility of the proposed facility and its contents to flood damage;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
- j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

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

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

#### Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum necessary, considering the flood hazard; relief; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (AMENDED BY ORDINANCE 506-9-93)

## CHAPTER 8

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

#### SECTIONS

- 11-801. M-1 (Light Industrial) Districts
- 11-802. M-2 (Heavy Industrial) Districts

11-801. M-1 (Light Industrial) Districts. Within the M-1 (Light Industrial) districts as shown on the Zoning Map of Savannah, Tennessee, the following regulations shall apply:

1. Uses Permitted
  - (a) Retail and wholesale sales; agricultural implement sales and service; heating and plumbing supplies; automobile parts; automobile sales and service; boats and boating equipment sales and service; hardware; lawnmower sales and service; lumber and building materials; mobile home sales and service; motorcycles sales and service; nursery and greenhouse; paint; sporting goods; and welding supplies.
  - (b) Services: animal hospitals; auto repair garages and body repair; service stations; motor vehicle fuel retail outlets; laundry and dry cleaning establishments; moving company; outdoor advertising signs and structures; pest extermination; printing; restaurants; sheet metal shops; tire repair and recapping; truck stops; truck terminals; upholstery shops; and warehousing and storage.
  - (c) Manufacturing, processing or fabrication; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage goods; glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware and plated ware.
  - (d) Federal, state and municipal, county uses.
  - (e) Research laboratories.
  - (f) Accessory uses customarily incidental to any aforementioned permitted use.

- (g) Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Chapter 3, Section 11-313 “Telecommunications Tower Requirements.”

2. Uses Permitted on Appeal

Any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to those enumerated in Section 11-801-1 of this Chapter and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals. This includes metal fabrication provided that the conditions below are met:

- (1) Exterior storage may be permitted in the side and rear yards only.
- (2) All exterior storage and operations shall be screened from public view by a suitable opaque or perforated fence or wall, provided no more than twenty-five (25) percent of fence or wall is open. Such fence or wall shall be a minimum of eight (8) feet in height.
- (3) The operation will not produce injurious or obnoxious noise, vibrations smoke, gas fumes, odors, glare, dust or other objectionable conditions.
- (4) The operation must be located on a major collector or larger street.

3. Uses Prohibited. Any use not specifically permitted by the terms of this chapter or permissible on appeal. The Board of Zoning Appeals shall specifically not have the authority to permit: single and multi-family dwellings; hotels and motels; bag cleaning; boiler and tank works; crematory; curing, tanning and storage of raw hides and skins, distillation of bones, coal, wood or tar; fat rendering forage plant or foundry; quarry ; scrap paper, rag storage and baling; sawmills; slaughter house or stockyards; smelting; and the manufacture of acetylene, acid, alcohol, ammonia, bleaching powder; chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same ), linseed oil, paint, screws and bolts, wire and tires; or any other use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions.

4. Regulations Controlling Yards and Building Height.

(a) Minimum required front yard

- (1) All Uses 35 feet

(b) Minimum required rear yard

- (1) All Uses 25 feet

- (c) Minimum required side yard on each side of lot
  - (1) All Uses 25 feet except on lots adjacent to a residential district. In such case the side yard shall be 25 feet plus the side yard requirement of the adjacent residential district.
- (d) Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.
- (e) Maximum permitted height of structures.
  - (1) No building shall exceed four (4) stories or forty (40) feet in height.
  - (2) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

11-802. M-2 (Heavy Industrial) Districts. Within the M-2 (Heavy Industrial) Districts, as shown on the Zoning Map of Savannah, Tennessee, the following regulations shall apply:

1. Uses Permitted

- (a) Retail and wholesale sales; agricultural implement sales and service; air conditioning, heating and plumbing supplies; boats and boating equipment sales and service; hardware; lumber and building materials; mobile home sales and service; motorcycles sales and service; nursery and greenhouse; paint; sporting goods; and welding supplies.
- (b) Services: animal hospitals; laundry and dry cleaning; moving company; outdoor advertising signs and structures; outdoor advertising signs and structures; pest extermination; printing; restaurants; sheet metal shops; tire repair and recapping; truck stops; truck terminals; upholstery shops; warehousing and storage; automobile repair, service, and garages; automobile dead storage; junkyards. (As Amended by Ordinance 497-4-93)
- (c) Manufacturing, processing or fabrication; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage, handbags and other personal leather goods; glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware and plated ware.
- (d) Federal, state and municipal, county uses.
- (e) Research laboratories.
- (f) Accessory uses customarily incidental to any aforementioned permitted use.
- (g) Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Chapter 3, Section 11-313 "Telecommunications Tower Requirements."

2. Uses Permitted on Appeal



- (a) Any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to those enumerated in Section 11-802-1 of this Chapter and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.
- (b) Any of the following or other similar uses which in the opinion of the Board of Zoning Appeals will be controlled so as not to produce injurious or obnoxious vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions provided that written approval of the Board of Zoning Appeals is obtained and subject to such conditions as the Board may stipulate: bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery; crematory; curing; metal fabrication plant; quarry; gasoline or oil storage above ground in excess of five hundred (500) gallons; scrap paper, rag storage and baling; sawmills; smelting plant; and the manufacture of acetylene, bleaching powder; condensed milk; chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same ), linseed oil, paint, oil, turpentine, varnish, soap and tar products, screws and bolts, wire and tires.

3. Uses Prohibited.

Any use not specifically permitted or permissible on appeal in this Chapter.

4. Regulations Controlling Yards and Building Height.

- (a) Minimum required front yard
  - (1) All Uses 35 feet
- (b) Minimum required rear yard
  - (1) All Uses.. 20 feet
- (c) Minimum required side yard on each side of lot
  - (1) All Uses 35 feet except on lots adjacent to a residential district. In such case the side yard shall be 35 feet plus the side yard requirement of the adjacent residential district.
- (d) Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

(e) Maximum permitted height of structures.

(1) No building shall exceed five (5) stories or fifty (50) feet in height.

(2) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

5. Regulations Controlling Automobile Dead Storage and Junkyards.

All areas used for automobile dead storage or junkyards shall be screened by use of an opaque fence not less than eight feet in height around the entire perimeter of the area so used. (As Amended by Ordinance 497-4-93)

## CHAPTER 9

### SPECIAL PROVISIONS

#### SECTION

- 11-901. Procedures for Site Plan Review
- 11-902. Contents of the Site Plan
- 11-903. Site Plan Review Authority
- 11-904. Term of Site Plan Approval
- 11-905. Enforcement of Site Plan Approval.

#### 11-901. Procedures for Site Plan Review

1. Staff Review.
  - (a) Where submission of a site plan for staff review is required in this Ordinance, a site plan meeting requirements in Section 11-902 shall be submitted to the office of the City Manager. The City Manager and/or his designees shall review the site plan, and shall either approve or disapprove the site plan within ten (10) days of submission. If approved, a copy of the site plan signed by the City Manager or his designee shall be provided to the proponent in writing.
  - (b) At the option of either party, the City Manager or the site plan proponent may refer the site plan to the Planning Commission for a decision.
2. Planning Commission Review.
  - (a) Where submission of a site plan for Planning Commission review is taken as an option under provisions of this Ordinance, a site plan meeting the requirements in Section 11-902 shall be submitted to the office of the City Manager for administrative review at least fifteen (15) days prior to the Planning Commission meeting.
  - (b) The Planning Commission shall either approve, approve with conditions, or disapprove the site plan within thirty-five (35) days of first meeting on the matter. If approved, a copy of the site plan signed by the Secretary of the Planning commission shall be provided to the proponent. If approved with conditions, the conditions shall be provided to the proponent in writing and a copy of the site plan signed by the Secretary of the Planning Commission shall be provided to the proponent after all conditions are assured or implemented prior to issuance of any building permit. If disapproved, the reasons for disapproval shall be provided to the proponent in writing.

3. Board of Zoning Appeals Review.
  - (a) Where submission of a site plan for review by the Board of Zoning Appeals is required in this Ordinance, a site plan meeting requirements in Section 11-902 shall be submitted to the office of the City Manager for administrative review at least fifteen (15) days prior to the Board of Zoning Appeals meeting.

11-902. Contents of the Site Plan

1. The contents of the site plan shall include the following:
  - (a) Name of development and address.
  - (b) Names, addresses and phone numbers of owner of record and the applicants.
  - (c) Present zoning of the site and abutting property.
  - (d) Date, graphic scale of 1" = 100', and north point with references to sources of meridian.
  - (e) Courses and distances of center lines of all streets and all property lines.
  - (f) All building restriction lines, easements, covenants, reservations and right-of-way.
  - (g) The total land area.
  - (h) Topography of existing ground, and paved areas and elevations of streets, alleys, utilities, sanitary and storm sewer and building and structures. Topography to be shown by a dashed line illustrating five-foot contours as required by the Building Inspector and spot elevations where necessary to indicate flat areas.
2. The Site Plan shall show the location of the following when existing:
  - (a) Sidewalks, streets, alleys, easements, and utilities.
  - (b) Buildings and structures.
  - (c) Public sewer systems.
  - (d) Slopes, terraces and retaining walls
  - (e) Driveways, entrances, exists, parking
  - (f) Water mains and fire hydrants.
  - (g) Trees and shrubs.
  - (h) Recreational areas, and swimming pools.
  - (i) Natural and artificial water courses.
  - (j) Limits and flood plains.
  - (k) Signs.
3. The Site Plan shall show the location, dimension and height of the following when proposed:
  - (a) Sidewalks, streets, alleys, easements, and utilities.

- (b) Buildings and structures including the front, rear and side elevations of proposed buildings and any proposed signs.
  - (c) Public sewer systems.
  - (d) Slopes, terraces, and retaining walls.
  - (e) Driveways, entrances, exits, parking areas and sidewalks.
  - (f) Water mains and fire hydrants.
  - (g) Trees and shrubs.
  - (h) Recreational areas.
  - (i) Distances between buildings.
  - (j) Estimates of the following when applicable:
    - 1. Number of dwelling units.
    - 2. Number of parking spaces.
    - 3. Number of loading spaces.
    - 4. Number of commercial or industrial tenants and employees.
    - 5. Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits of flood plains, if any.
    - 6. Proposed grading, surface drainage, terraces, retaining wall heights, grades and paving areas, and ground floor elevations of proposed buildings and structures. Proposed topography of site shall be shown by five foot contours as required by the Building Inspector and spot elevations where necessary to indicate flat areas.
4. Bear a certificate by a licensed civil engineer or licensed surveyor certifying that the plan as shown is true and correct.
  5. Bear a form for certificate to approval by:
    - (a) The Secretary of the Planning Commission and/or the Chairman of the Board of Zoning Appeals.
    - (b) Utility Director.
  6. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets as shown on the plan and agree to make any required improvements of adjacent streets as shown on the plan.

11-903. Site Plan Review Authority

1. The City Manager or his designee shall have the power to require such changes in site plans, not required for Board of Zoning Appeals proceedings, as may be necessary to minimize the impact of the requested use. This may include, but not be limited to, setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations. The Commission may require a buffering of the development from surrounding properties by the use of fencing, planting, or combinations thereof.
2. The Planning Commission shall also have the power to require such changes in site plans, not required for Board of Zoning Appeals proceedings, as may be necessary to minimize the impact of the requested use. This may include, but not be limited to, setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building, the authority to specify building materials, colors or similar considerations. The Commission may require a buffering of the development from surrounding properties by the use of fencing, plantings, or combinations thereof.
3. The Board of Zoning Appeals shall have the power to require such changes in the site plans required for Board of Zoning Appeals proceedings, as may be necessary to minimize the impact of the requested use. This may include parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing building, the authority to specify building materials, colors or similar considerations. The Board of Zoning Appeals may require a buffering of the development from surrounding properties by the use of fencing, plantings, or combinations thereof.

11-904. Term of Site Plan Approval.

Work must commence within one (1) year of a site plan approved by the City Manager or the Planning Commission. After one year, a new site plan must be resubmitted for consideration and approval.

11-905. Enforcement of Site Plan Approval.

If, during the process of construction, the Building Inspector notes variations from the approved site plan, he shall promptly notify the owner in writing of these variations and shall direct that the variations be corrected within a specified period. If, after proper notice by the Building Inspector, the owner has not complied with the provisions of the approved site plan, the City Manager or his designee shall have the authority to cite the owner to Municipal Court for violation of this ordinance. (Entire Chapter amended by Ordinance No. 494-2-93)

## CHAPTER 10

### SIGN REGULATIONS

#### SECTIONS

- 11-1001. Purpose
- 11-1002. Prohibited Signs
- 11-1003. Permits Required
- 11-1004. Application for Erection Permit
- 11-1005. Permit Issued If Application in Order
- 11-1006. Permit Fees
- 11-1007. Permit Revocable At Any Time
- 11-1008. Unsafe and Unlawful Signs
- 11-1009. Obsolete and Abandoned Signs
- 11-1010. Exemptions
- 11-1011. Nonconforming Signs
- 11-1012. Site Plan Review Requirements
- 11-1013. Permitted Uses
- 11-1014. Indemnity Agreement

11-1001. Purpose. The purpose of this Section is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the City of Savannah. These standards are designed to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public. All signs and awnings must be designed and built to comply with all state and local standards and codes.

11-1002. Prohibited Signs. The following types of signs are prohibited in all zoning districts of Savannah as follows:

1. Flashing signs that can be seen from the public right-of-way (as amended by Ordinance 525-4-95, as amended by Ordinance 623-4-2001).
2. Rotating lights that can be seen from the public right-of-way (as amended by Ordinance 525-4-95, as amended by Ordinance 623-4-2001).
3. Portable signs, except as provided in Section 11-1010;
4. Signs on public property, other than those erected at the direction or with the permission of public authority having jurisdiction;
5. Signs erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device; or which makes use of the words "STOP", "LOOK", "DRIVE-IN", character of such manner as to interfere with, mislead or confuse traffic.



6. Signs which are erected or maintained so as to prevent free ingress to or egress from any door, window or fire escape;
7. Signs which extend over public property which are wholly or partially illuminated by floodlights or spotlights, may not impede pedestrian traffic, and no permanent sign shall be allowed to extend over public right-of-way serving vehicular traffic (streets);
8. Signs which blend with or can be confused with traffic signals;
9. Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
10. Signs which are structural unfound or which are rendered structurally sound by guy wires;
11. Signs which display thereon or advertise any obscene, indecent or immoral matter.

11-1003. Permits Required. It shall be unlawful for any person to erect, alter, relocate or maintain within the City of Savannah, any free standing sign or other advertising structure as defined in this Ordinance, without first obtaining an erection permit from the City and making payment of the fee required by Section 11-1006 hereof.

11-1004. Application for Erection Permit. Application for a sign permit shall be made upon forms provided by the building inspector or whomsoever designated and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant;
2. Location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;
3. Position of the sign or other advertising structure in relation to nearby building or structures;
4. Name or person, firm, corporation or association erecting the structure;
5. Written consent of the owner or the building, structure or land to which or upon which the structure is to be erected;
6. Indemnity Agreement as provided by Section 11-1014;
7. Such other information as the building inspector shall require to show full compliance with this and all other laws and ordinances of the City.
8. Agreement to abide by this Ordinance and all other ordinances of the City of Savannah and to pay all costs and attorney's fees as provided by said ordinances.

11-1005. Permit Issued If Application in Order. It shall be the duty of the building inspector or other person so designated, upon the filing of an application for an erection permit to examine the application, specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, then if it shall appear that the proposed structure is in compliance with all requirements of this Ordinance and all other laws and Ordinances of the City of Savannah, the building inspector or whomsoever designated shall then issue the sign permit. If the work authorized under this sign permit has not been completed within a period of six (6) months after the date of issuance, the said permit shall become null and void.

11-1006. Permit Fees. Every applicant, before being granted a permit hereunder shall pay to the City of Savannah a permit fee which will be paid based upon the City's building permit schedule then in force and effect.

11-1007. Permit Revocable At Any Time. All rights and privileges required under the provisions of this Ordinance or any amendment thereto, are mere licenses, revocable at any time by the City of Savannah and all such permits shall contain this provision.

11-1008. Unsafe and Unlawful Signs. If the building inspector or whomsoever designated shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Ordinance, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply by the building inspector at the expenses of the permittee or owner of the property upon which it is located. The building inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

11-1009. Obsolete and Abandoned Signs.

- (1) Any sign which advertises or pertains to a business product, service, event, activity or purpose which is no longer conducted or has not been in use for three (3) months or which is no longer imminent, or any sign structure that no longer displays any sign copy of a like period shall be deemed to be obsolete or abandoned. This includes signs whether located on premises or off premises.
- (2) Permanent signs applicable to a business temporarily suspended because of change of ownership or management shall not be deemed abandoned or obsolete unless the property remains vacant for a period of six (6) months.
- (3) Obsolete and abandoned signs are prohibited and shall be removed by the owner of the property, his agent or person having official use of the building or site upon which such sign or sign structure is erected within thirty (30) days after written notification from the city building inspector or whomsoever designated.
- (4) In event of noncompliance with the aforesaid terms and provisions, then the City shall have the authority to remove the sign and bill the owner of the amount of cost incurred. Any cost that the City incurs in collecting these costs from the owner will be reimbursed by the owner to the City and this includes a reasonable attorney's fee of at least \$300.00 and all court cost.

11-1010. Exemptions. The provisions and regulations of this Ordinance shall not apply to the following signs:

1. Public signs which are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, federal, state, city and county signs, legal notices, and such temporary, emergency or non-advertising signs as may be approved by the City building inspector.
2. Historical markers as required by local, state, or federal authorities.
3. Fuel price information signs.
4. Full service gasoline pump signs.
5. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday.
6. No trespassing or no dumping signs.
7. Real estate signs or signs indicating rental property available not exceeding five (5) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only.
8. Professional occupational signs denoting only the name and professions of an occupant in a commercial building, public institution or dwelling house. "Professionals" being anyone in a business not required to pay business tax.
9. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or noncombustible material.
10. Political or campaign signs on behalf of candidates for public office or measures of election ballots provided that said signs conform to the following regulations:
  - a. Said signs may be erected not earlier than 60 days prior to said election and shall be removed within 15 days following said election.
  - b. No sign shall be located within or over the public right-of-way.
11. Public signs, or signs specifically authorized for public purposes by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or ordinance under which the signs are erected.
12. Temporary signs may be erected provided that permission is first obtained from the building inspector or to whom he may designate, said signs to remain a short period of time to promote drives or events of civic philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or no more than 30 days before said event or removed no more than 7 days after said event.

13. Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary, to be removed upon the subsidence of danger.
14. Flag, emblems or insignia of any nation or political subdivision or corporate flag.
15. Construction signs - one construction sign per construction project provided that such sign shall be erected no more than 7 days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction and shall be removed 5 days after completion and prior to occupancy.
16. Private property signs such as "no parking", "exit", "parking", etc.

(As amended by ordinance 525-4-95)

11-1011- Nonconforming Signs. With the exception of portable signs, any sign that has been erected, constructed or placed in its location and that is being used as of the effective date of this ordinance, shall be conclusively presumed to be conforming if erected, constructed or placed and used in compliance with the codes and ordinances of the City of Savannah pertaining to signs that were in effect immediately prior to such date. All other signs shall be deemed nonconforming and subject to sections (11-1008 & 11-1009) of the sign regulations. (As Amended by Ordinance 525-4-95, As Amended by Ordinance 623-4-2001)

11-1012. Site Plan Review Requirements. In all instances where site plan review is a requirement of this Ordinance, the type of sign or plan proposed to be a permanent part of such development shall be presented at that time and shown on the site plan submitted for review. (As Amended by Ordinance 494-2-93)

11-1013. Permitted Uses - Signs shall comply with the following regulations:

1. Residential Signs:

(a) Apartment complexes, churches, multifamily, townhouses, business in existing before annexation or zoning and schools in residential districts may have a single identification sign not to exceed thirty-two (32) sq. ft. Lots fronting on two or more street are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street frontage.

(b) Subdivisions may have two (2) residential signs per development entrance. Sign design, landscaping and agreement on how area is to be maintained, must be shown on all subdivision plats and approved by Planning Commission.

(c) Name plates are allowed in residential districts but must be limited to three (3) sq. ft.

(d) Signs in all residential zones shall not exceed ten (10) feet in height.

(e) Signs shall be placed outside the public right-of-way.

(f) Sign shall not be allowed for an home occupational use.

(g) Sign illumination shall be so arranged as to reflect light away from any adjoining residential property owners.

2. Free Standing Signs:

(a) Shall be allowed in B-1, B-2, B-3, B-4, M-1, and M-2 zones only.

(b) Only one sign per business, per lot of record shall be allowed. The sign shall not exceed one hundred and fifty (150) square feet.

EXCEPTION: Businesses or tenants located in a shopping center, office center, and mall or maintains a common parking area for two or more business shall be allowed a free standing sign not to exceed one (1) square foot per one and one-half (1½) feet of building front not to exceed one hundred fifty (150) square feet.

(c) Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of the allowed for lots with only one street frontage.

(d) Signs shall be placed outside the right-of-way.

(e) Maximum permitted height of signs shall not exceed thirty five (35) feet in height unless such yard is increased over the required minimum by five (5) feet for every fraction thereof, of additional height over thirty five (35) feet, not to exceed sixty five (65) feet however.

(f) Signs located over walkway or parking area shall not be closer than eight (8) feet above surface area.

3. Attached Sign:

(a) Shall be allowed in B-1, B-2, B-3, B-4, M-1 and M-2.

(b) Each business is limited to one attached sign per building face. It shall be no greater in area than 25% of the wall on which it is located to a maximum of 150 sq. ft..

(c) Business fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for business fronting on one street.

(d) An awning or canopy with the business name or related information is defined to be an attached sign. All such awnings and canopies shall be structurally sound and approved by the Building Inspector. The lowest portion shall not be less than 8 feet above the ground.

(e) Awnings or Canopies located within the B-3 Central Business District may extend over public right-of way when complying with the following restrictions:

1. Shall not extend closer than (2) two feet to street curb or street pavement.
2. Must be totally supported by building structure.

4. Mall Grouping Signs:

(a) Shall be allowed in B-1, B-2 and B-3 zones.

(b) A sign designating a shopping or office center and its tenants shall have a maximum sign area of eighty (80) sq. ft. plus fifteen (15) sq. ft. for each tenant over two, not to exceed two hundred (200) sq. ft.

(c) Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

(d) Maximum permitted height of signs shall not exceed thirty five (35) feet in height unless such yard is increased over the required minimum by five (5) feet for every fraction thereof, of additional height over thirty five (35) feet, not to exceed sixty five (65) feet however.

5. Billboard (off-premise) signs:

(a) Shall be allowed in M-1 and M-2 zones only.

(b) Shall be located a distance of one thousand (1,000) feet from any existing off- premises sign. All measurement required herein shall be made as a radius of any existing off-premises sign.

(c) Scaled site plans showing location, zone and distance from existing off-premises sign shall be submitted for review. (See section 11-901 for site plan procedures).

(d) Shall be placed outside the public right-of-way.

(e) Shall not exceed thirty five (35) feet in height unless such yard is increased over the required minimum by five (5) feet, or fraction thereof, of additional height over thirty five (35) feet, not to exceed sixty five (65) feet however.

(f) Shall not exceed 382 square feet in area per side and shall have no more than two (2) sides.

(g) The stacking or doubling of advertising sign on the same structures shall not be permitted.

(h) Billboard (off premise) Signs which continues without a message for 24 months shall be declared a obsolete or abandoned sign as provided for in the City of Savannah Municipal Code. \*Advertising a sign for rent or lease does not constitute a message on an off-premises sign as provided herein.

6. Inflatable Signs:

(a) Shall not be allowed in any zone.

(As Amended by Ordinance 623-4-2001)

7. Projecting Sign:

(a) Shall be allowed in B-1, B-2, B-3, M-1, and M-2

(b) Each business is limited to one projecting sign per building face. It shall be no greater in area than 20 square feet in area.

(c) Business fronting on two or more streets or allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for business fronting on one street.

- (d) The lowest portion shall not be less than 9 feet above the ground or surface below.
- (e) Shall be placed outside the public right-of-way.

Exception- Projection signs located within the B-3 Central Business District may be extended over the public right-of-way when complying with the following restrictions:

1. Shall not extend closer than (2) two feet to street curb or street pavement.
2. Shall not extend above roofline of building.
3. Shall not extend closer than (7) seven feet from any electrical power lines.

8. Changing Sign: (as amended Ord. # 711-9-2007)

- (a) Shall be allowed in the following districts: B-1,B-2,B-3, M-1and M-2.
- (b) Shall be allowed only one (1) changing sign not to exceed forty eight (48) square feet which shall be counted towards the total allowable signage for the development.
- (c) Electrically activated changing sign shall include an automatic dimmer. The maximum allowable brightness of an electronic message board/animated sign shall not exceed 4000 Nits during the hours between sunrise and sunset and 1000 Nits after sunset and before sunrise. Owners must verify brightness of sign.
- (d) No permit for electronic message board/animated sign shall be issued for any sign display that interferes with traffic signal devices as determined by City Staff.
- (e) Changing signs shall not be used for off-premise advertising.
- (f) Any display on a changing sign shall pause for a minimum of six (6) seconds in duration.
- (g) Video's shall not be allowed.
- (h) Shall not be allowed to be displayed from within building as seen from public right-of-way.
- (i) Must be displayed as a Free Stand Sign.



11-1014. Indemnity Agreement. An Owner obtaining a permit for any sign shall agree to indemnify and hold harmless said City of Savannah, its agents, servants and employees from any and all liability arising out of any claim by anyone for injury to persons or property as the result of the placing of any sign in the City of Savannah wherein the City of Savannah is named in any suit concerning said sign, and shall agree to pay all costs and attorney's fees incurred by the City of Savannah in any such suit. This Agreement shall be made a part of the Permits Application to be signed by owner as provided in Section 11-1004.

## CHAPTER 11

### DEFINITIONS

#### SECTION

#### 11-1101. Construction Of Language And Definitions

##### 11-1101. Construction Of Language And Definitions

#### 1. Rules for Construction of Language

In the construction of this Ordinance, the rules and definitions contained in this Chapter shall be observed and applied, except when the context clearly indicates otherwise;

- (a) The particular shall control the general
- (b) The word "shall" is always mandatory and not discretionary.
- (c) The word "may" is permissive.
- (d) The word "lot" shall include the words "piece" or "parcel".
- (e) The word "building" or "structure" includes all other structures, or parts there of, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", maintain for", and "occupied for".
- (f) In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control.
- (g) The word "permitted" or words "permitted as of right", means permitted without meeting the requirements for a conditional use by special permit pursuant to this Ordinance, and all other applicable provisions.
- (h) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (i) All public officials, bodies and agencies to which reference is made are those of the City of Savannah, Tennessee.

## 2. Definitions

Except where definitions are specifically included in various articles and sections, words in the text or tables of this Ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Abandoned Sign - On Premises - A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or a product available on the premises where such sign is displayed.

Abandoned Sign - Off Premises - A sign which advertises goods, products, services or facilities which are no longer available to the public or which directs persons to a former location where such goods, products, services or facilities are no longer available.

Accessory - An activity, use, building, or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity, use, building, and/ or structure and located on the same zone lot.

Activity - The performance of function or operation which constitutes the use of land.

Administrator - refers to the Federal Flood Insurance Administrator, to whom the Director has delegated the administration of the Program.

Adult Oriented Businesses - A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, houses of prostitution, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices as well as nude or semi-nude dancing and massages. The following are further definitions of specific adult oriented businesses and related terms:

### A. Adult Entertainment Establishments

1. Adult Arcade means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

2. Adult Bookstore means an establishment which has as any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

- (a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the depiction or description of "specified sexual activities" or "specified anatomical areas; or
- (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

3. Adult Cabaret means a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

4. Adult Motel means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

5. Adult Motion Picture Theater means a establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

6. Adult Theater means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

7. Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

8. Sexual encounter establishment means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

B. Specified Anatomical Areas means any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the aureole; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. Specified Sexual Activities means any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or

7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "1" through "6" above.

(Ordinance 551-8-97)

Alley - A minor right-of-way, twenty (20) feet or less in width, dedicated to public use which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility and public service purposes.

Attached Sign - Any sign which is affixed directly to or otherwise inscribed or painted on a wall or parapet wall of any building or structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and extending there from less than twelve (12) inches. (Ordinance 623-4-2001)

Automobile dead storage - Extended or dead storage of more than two (2) inoperable or junk automobiles or other types of vehicles. (See also junkyard.) (As amended by Ordinance 497-4-93)

Automobile repair, services, and garages - Operations furnishing to the general public any or a combination of the following: automotive repair, rental, and leasing services; retail dispensing of vehicular fuels; sale, dispensing and installation of vehicular lubricants, tires and similar accessories; automobile parking; vehicular towing; accessory automobile dead storage, accessory to any above repair or towing use, not exceeding fifty (50) vehicles; excluding tire rebuilding, retreading, and recapping services, and principal use automobile dead storage. (As amended by Ordinance 497-4-93)

Base Flood - See one-hundred year flood.

Basement - A story whose floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half (1/2) below such level).

Bed and Breakfast Inn - An incidental use of a single-family residence, said use being a part-time for profit endeavor providing tourist accommodations to guest for a period of time not to exceed seven (7) days and providing a home type atmosphere and which will be subject to the same licensing, inspection and taxation requirements as hotels and motels.

Building - A structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, lunch wagons, dining cars, trailers, mobile homes, and similar awnings, or vehicles situated on private property and used for purposes of a building. Where roofed structures are separated from each other by party wall having no unprotected openings, each portion so separated shall be considered a separate building.

- (a) Principal Building - A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.
- (b) Accessory Building - A subordinate building, the use of which is incidental to that of a principal building on the same lot. For the purpose of this ordinance, such structures shall include, but are not limited to storage sheds, workshop, satellite dishes and pads, and swimming pools, and unattached garages.

Billboard (off premises) Sign - A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere other than upon the same lot of record from which said sign is located. (As Amended by Ordinance 623-4-2001)

Boarding House - A building and accessories thereof principally used, designed or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

Building Height - The vertical distance from the highest point on a structure, excepting belfries, spires, flagpoles or antenna to the average ground level to the grade where the walls or other structural elements intersect the ground.

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

- (a) The size (including height and floor area) of buildings or other structures,
- (b) The area of the zone lot upon which a building is located, and the number of dwelling units within residential buildings in relation to the area of the lot,
- (c) The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures, and
- (d) All open areas relating to buildings or other structures and their relationship thereto.

Canopy or Awnings- Means a structure made of cloth, metal or other materials with frames affixed to a building.

Canopy Sign - A sign painted on, printed on, or attached flat against the surface of an awning or canopy projecting from and supported by the exterior walls of a building. (Ordinance 623-4-2001)

Cellar - (See Basement)

Changing Sign- a sign with the capability of content change by means of manual or remote input, including signs are: (as amended Ord. # 711-9-2007)

a). Manually activated-Changeable sign whose message copy or content can be changed manually.

b). Electrically activated- Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface.

Nit: A unit of measurement of luminous intensity or brightness of electronic message boards as determined by the PR-650 Spectra Scan Colorimeter.

Scrolling: A type of animated sign that uses change of lighting to create the appearance of words, numbers, or objects moving across the face of the sign horizontally, vertically, or diagonally.

Video: The display or transmission of moving pictures (not animated) such as television images or video recordings.

Clinic - an establishment where persons are given medical, dental or surgical treatment by one but not more than four physicians or dentists with no patients lodged overnight.

Completely Enclosed - Refers to a building or other structures having a roof, and separated on all sides from the adjacent open area or from other buildings or structures, by party walls or exterior walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

Conditional Use - A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use is made in this Ordinance.



Condominium - A multi-family building having ownership of individual dwelling units by individual occupants sharing common areas, grounds, and facilities.

Curb Level - The mean of the elevations of the side lot lines extended to the street line.

Day care center - A facility operated by a person, social agency, corporation, association, or group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day for care outside their own homes, without transfer of custody.

Day care home, group - A facility operated by a person, social agency, corporation, association, or group that receives pay for the care of 8 to 12 children under 17 years of age for less than 24 hours per day for care outside their own homes, without transfer of custody.

Day care home, family - A facility operated by any person or group of persons who receive pay for the care, without transfer of custody, of 5, 6, or 7 children under 17 years of age who are not related to the operator and whose parents or guardians are not residents of the home facility, for care less than 24 hours per day. A home providing care for fewer than 5 children will not be regulated by this ordinance.

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

Display Surface Area - The display surface shall mean and include the entire area of a single continuous perimeter enclosing the extreme limits of wording, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports, uprights, or decorative base shall not be included in determining the display surface area of a sign. (Ordinance 623-4-2001)

Dwelling, Attached - A building containing not more than two dwelling units, attached at the side or sides in a series of three or more principal buildings, each containing not more than two dwellings units. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs two feet which would prohibit the spread of fire from one building to another. Such buildings shall each have a separate lot with dimensions meeting regulations for the district, or be so located on land in the same ownership that individual lots meeting district requirements could be provided, in those required for provisions of separate lots. The term attached dwelling is intended to apply to townhouses, patio or atrium houses, or any form however termed which conforms to this definition.

Dwelling, Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "mobile home" does not include park trailers, travel trailers, and other similar vehicles.

Dwelling, Mobile Home - A detached, single-family dwelling unit with a permanent steel chassis possessing all of the following characteristics:

- (a) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower or bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- (b) Design to be transported after fabrication on its own wheels.
- (c) Arriving at the site where it is to be occupied as a complete dwelling and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.

Dwelling, Modular Home - A single family housing unit that is constructed basically as a conventionally built wood framehouse except it is built at a factory and is transported to the site on which it will be permanently located. The modular home shall not have a permanent steel chassis.

Dwelling, Multi-Family - A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like. For purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental partly on a monthly basis and partly for a shorter time period, but with less than thirty (30) percent of the living units being occupied on a less-than-monthly basis, shall be considered a semi-transient residential activity.

Dwelling, Single-Family - A building containing only one dwelling unit. The term is general, including such specialized forms as single-family attached houses (town houses, patio and atrium houses and the like if containing only one family). For regulatory purposes, the term is not to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents or other forms of portable or temporary housing.

Dwelling, Single-Family Detached - A single-family dwelling entirely separated from structures on adjacent lots.

Dwelling, Two-Family - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling Unit - A room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy on a weekly or longer basis, physically separated from any other room or dwelling units, and containing independent cooking and sleeping facilities, provided that specially designed elderly and handicapped housekeeping units shall be included in this definition where appropriate congregate cooking facilities are provided in place of separate cooking facilities.

Elderly Congregate Living. A building, establishment, complex or distinct part thereof providing elderly congregate group housing, containing individual dwelling units which may consist one or more bedrooms, dining area, bathing and cooking facilities, or a combination thereof, provided that 24-hour medical care and medical staffing is not required, and provided that limited medical care, meals and other services may be offered as a matter of convenience and not necessity. For the purpose of this ordinance , these type facilities shall be classified as multi-family dwellings. (As amended by Ordinance 580-4-99)

Elderly Assisted Care. A building, establishment, complex or distinct part thereof providing elderly care and housing, containing single rooms or other dwelling units which may consist of no more than bedroom and bathroom facilities, provided that 24-hour medical care and medical staffing and other services are required or provided, regardless of the ambulatory status of the residents; and, provided further that one or more regular meals is required by state law, and/or as a condition of residency. For the purpose of this ordinance , these type facilities shall include short-term care facilities; nursing, convalescent and rest homes, and rehabilitation centers. These type facilities shall not be classified as multi-family dwellings. (As amended by Ordinance 580-4-99)

Essential Service - In the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of under ground or overhead gas, electrical stream, or water transmission or distribution systems, collection, communications, supply or disposal systems including poles, wire, mains, drains, sewer, pipes, conducts, cables, traffic signals, hydrants and other similar drains, sewers, pipes, conducts, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith but also including buildings or substations reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, as for the public health or safety or general welfare.

Family - One or more persons occupying a single housekeeping unit and using common cooking facilities.

Flashing Sign - Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service, time, temperature and date signs or electrically controlled message centers are classed as "changing signs", not "flashing signs".

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Channel - A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Flood Fringe - See Floodway Fringe Area.

Flood Hazard Boundary MAP (FHBM) - means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow), and flood-related erosion areas having special hazards have been designated as zone A, M, and/or E.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, water course, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Floodplain - A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this Ordinance, the land subject to inundation by the 100-year flood, i.e. the 100-year flood plain.

Flood Profile - A graph or a longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.

Floodproofing - Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

Flood Protection Elevation - The elevation of the regulatory flood on all streams and waterways.

Flood, Regulatory - The computed 100-year flood.

Floodway - The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above predevelopment conditions.

Floodway Fringe Area - Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

Floor Area - The total of the gross areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to two (2) feet within the roof line of any building or portion thereof without walls, but excluding the following:

- (a) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto required in this Ordinance.
- (b) In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.

Free Standing Sign - Any sign erected on a free standing frame, mast or pole and not attached to any building.

Group Home - As defined by Tennessee Code Annotated, a single-family residence in which eight (8) or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include two (2) additional persons acting as house parents or guardian who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. This does not apply to such family residences wherein handicapped persons reside when such residences are operated on a commercial basis.

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

Height (of a sign) - The vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the surface grade beneath the sign.

Home Occupation - An occupation conducted in a dwelling unit, provided that:

- (a) No one other than members of the family residing on the premises shall be engaged in such occupation;
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifteen (15) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- (d) No home occupation shall be conducted in any accessory building;
- (e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;
- (f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.

Illuminated Sign - Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign property.

#### Incidental Alterations

- (a) Changes or replacements in the nonstructural parts of a building or other structure, without being limited to the following examples:
  - (1) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
  - (2) A minor addition to the exterior of a residential building, such as an open porch;
  - (3) Alterations of interior non-load-bearing partitions in all other types of building or other structures;
  - (4) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits; or
- (b) Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:

- (1) Making windows or doors in exterior walls;
- (2) Replacement of building facades having non-load-bearing capacity;
- (3) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

Indirectly Illuminated Sign - shall mean any sign which reflects light from a source intentionally directed upon it - for example, by means of floodlights, gooseneck reflectors or externally mounted florescent light fixtures.

Inflatable Sign - A temporary inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message. (Ordinance 623-4-2001)

Junk - Any scrap, waste, reclaimable material, or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal, or other use or disposition. (As amended by Ordinance 497-4-93)

Junkyard - Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, or machinery, or other type of junk, or any automobile dead storage. This definition shall not apply to any accessory use to a business, the purpose of such use being collection of material for recycling, provided that such material is either generated by a permitted use in any zone, such material considered as garbage and collected on a daily or weekly basis for disposal at a landfill. (As amended by Ordinance 497-4-93)

Land With Incidental Improvements - A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.

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

Lot - for purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, and may consist of:

- (a) A single lot of record;

- (b) A portion of a lot of record;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Area - The entire area of a lot.

Lot Coverage - That portion of a lot which when viewed directly from above, would be covered by a building or any part of a building.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under Yards.

Lot Line - A line marking the boundary of a given lot from a street, an alley, or adjacent lots.

Lots Line Equivalent - A straight line established for the purpose of determining the location and depth or width of a required yard and which either:

- (a) Joins points specified in these regulations, or
- (b) Is an extension of a street line or lot line.

Lot Measurements

- (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the reared front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sac where the eighty (80) percent requirements shall not apply.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Register, or lot or parcel described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Lot Types - The diagram (Figure 1) on the following page illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots:



In the diagram, A - Corner Lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A (1) in the diagram.

B-Interior Lot, defined as a lot other than a corner lot with only one (1) frontage on a street.

C-Through Lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D-Reversed Frontage Lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reverse frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D).

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

Maintain - shall mean to permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

Mall Grouping Sign - Any sign erected on a free standing frame, mast or pole and not attached to a building, identifying a group of stores, businesses, or professional offices located in one development, situated upon one (1) lot of record. These include office center signs and shopping center signs. (Ordinance 623-4-2001)

Mini-warehouse - A structure containing separate storage spaces of not greater than 400 square feet per storage space, with each space leased or rented on an individual basis.

Mobile Homes - See Dwelling, Mobile Homes.

Mobile Home Park - An area where three (3) or more mobile homes or trailers can be and are intended to be parked, designed or intended to be used as temporary or permanent living facilities for two or more families.

Mobile Home Space - A plot of ground within a mobile home park, designed to accommodate one (1) mobile home, and which has water, sewer and electricity available at the space.

Mobile Home Stand - That part of an individual mobile home space which has been reserved for the placement of the mobile home.

Motor Vehicle Fuel Outlet - Any facility which provides the retail sale of any motor vehicle fuels.

New Construction - means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Non-complying -

- (a) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- (b) Any lawful use other than a nonconforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertaining to:
  - (1) Location along district boundary; or
  - (2) Accessory off-street parking and loading;

either on the effective date of this Ordinance or as a result of any subsequent amendment.

Nonconforming Sign - Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Ordinance and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this code.

Nonconforming Use - A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this Ordinance or as a result of any subsequent amendment.

Nonconforming Structure - A structure which was lawfully constructed prior to enactment or amendment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

One-Hundred Year Flood (Base Flood): A flood which has, on the average a 1-percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent chance flood".

Owner - The title owner and his agents and assignees.

Person - An individual, firm, partnership, corporation, cooperatives, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or their representative.

Principal Building/Structure - See Building.

Projecting Sign- Any sign, other than a flat wall sign, which is affixed to or mounted on a wall or parapet wall of any building or structure not specifically designed to support the sign such that the exposed face of the sign projects outward there from more than (12) twelve inches at any angle.

Portable Sign - Any sign which was originally designed to be movable regardless of anchoring and which may have one or more of the following characteristics:

1. Conveys its message by means of marquee type changeable copy letters and figures over a translucent background.
2. Accompanied by a directional arrow on top
3. Illuminated from within (backlit).
4. Contain a row of exposed lights around the perimeter frame of the sign.

Profession (Professional Office) - The term profession, as used in this Ordinance, is limited in its application to physicians and surgeons, lawyers, dentist, members of the clergy, architects, and engineers, or other persons holding advanced degrees from institutions of higher learning in the field in which they practice.

Required Yard - That portion of a lot that is required by the specific district regulation to be open from the ground to the sky and may contain only explicitly listed obstructions.

Residence - A building or part of a building containing one (1) or more dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, or apartment hotels. However, residences do not include:

- (a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- (b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
- (c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or

- (d) In a mixed building, that part of the building used for any non-residential uses, except uses accessory to residential uses.

Restaurant - An establishment where food is ordered, prepared and served for pay.

Semi-Transient Residential Establishment - An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units being occupied on a less-than monthly basis, but excluding institutions living arrangements involving the provision of specific kinds of forced residences, such as nursing homes, orphanages, asylums, and prisons.

Service Stations - A place where the main business is the care and maintenance of cars, trucks, tractors and other vehicles, not to include grocery business which provide gasoline purchases.

Setback Line - A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.

Start of Construction - Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwellings units or not part of the main structure.

Sign - shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee and canopy, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person when the same is placed out of doors in view of the general public.

State Coordinating Agency - is a reference to the Local Planning Assistance Office of the Department of Economic and Community Development of the State of Tennessee.

Story - A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

- (a) A basement or cellar if the finished floor level directly above is not more than six (6) feet above the average adjoining elevation of finished grade.
- (b) An attic or similar space under a gable, hip or gambrel roof, the wall plates or any exterior walls are not more than two (2) feet above the floor or such space.

Street - A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property. The word "street" shall include the words "road", "highway", and "thoroughfare".

Street Line - The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk furthest from the traveled street shall be considered as the street line.

Structure - Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. This includes but is not limited to buildings, towers, smokestacks and over head transmission lines.

Substantial Improvement - means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. for the purposes of the definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Telecommunication Tower - Any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves. (Ordinance 604-8-2000)

Total Floor Area - The area of all floors of a building including finished attics, finished basements and covered porches.

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

Travel Trailer - a travel trailer, pick-up camper, converted bus, tent-trailer, tent or similar device used for temporary portable housing or a unit which:

- (a) Can operate independent of connections to external sewer, water and electrical systems;
- (b) Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or
- (c) Is identified by the manufacturer as a travel trailer and/or is designed as a travel trailer.

Travel Trailer Park - Any plot of ground upon which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

Unlawful Sign - shall mean any sign which contravenes this Ordinance or which the building inspector may declare as unlawful if it becomes dangerous to public safety by reasons of dilapidation or abandonment or non-conforming sign for which a permit required under a previous code was not obtained.

Use - The purpose for which land or water or a structure thereon is designed, arranged, and intended to be occupied or utilized or for which it is occupied or maintained.

Use and Occupancy Permit - A written permit issued by the building inspector required before occupying or commencing to use any building or other structure or any lot.

Use, Public - Any use that is under control of a unit of general purpose government or governmental agency.

Use, Recreation - Any use of land or water and facilities provided for the enjoyment of the general public.

Use, Semi-Public - Any use that is under the control of a non-private organization or a non-governmental agency which provides a public service.

Vehicle Mounted Sign - Any sign painted on or attached to a vehicle relating to the business, activity, use, service or product of the owner of the vehicle, or to the sale of the vehicle and which sign is incidental to the primary use of the vehicle. (Ordinance 623-4-2001)

Yard - An open space on the same lot with a principal building, open, unoccupied and obstructed by buildings from the ground to the sky except as otherwise provided in this ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot lines and any part of the building, such as roof overhang.

Yard, Front - A yard extending across the entire width of the lot between the lot line and the nearest part of the principal building, including covered porches. At least two (2) such yards shall be designated for each corner lot and each through lot, and at least three (3) such yards shall be designated for each through corner lot.

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

Yard, Rear - The yard extending across the entire width of the lot between the rear lot line and the nearest point of the principal building including covered porches. (Last definition amended by Ordinance No. 497-4-93)

## CHAPTER 12

### EXCEPTIONS AND MODIFICATIONS

#### SECTIONS

11-1201. Lot of Record

11-1202. Front Yards

11-1203. Group Housing Project

11-1201. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this Ordinance, does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance, in accordance with Section 11-1404. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

11-1202. Front Yards. The front yard requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lots, 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.

11-1203. Group Housing Project. In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground not subdivided into the customary street and lots, and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use not higher and a standard of open space no lower than proposed project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is to be located, or a smaller area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such district.



## CHAPTER 13

### ENFORCEMENT

#### SECTIONS

11-1301. Enforcing Officer

11-1302. Building Permits

11-1303. Revocation of Permits

11-1304. Penalties

11-1305. Remedies

11-1301. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by a building inspector, or designee appointed by the Savannah City Manager who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

11-1302. Building Permits.

1. Building Permit Required. It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the Building Inspector has issued a building permit for such work.
2. Issuance of Building Permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch a scale plan or site plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information for determining whether the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the City of Savannah, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction upon payment of the required fee. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.
  - (a) The issuance of a permit shall in no case be construed as waiving any provisions of this ordinance.
  - (b) A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
3. Records. A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector.

11-1303. Revocation of Permits. The building inspector is hereby authorized and empowered to revoke any permit issued by him or to whomsoever designated upon failure of the holder thereof to comply with any provision of this Ordinance.

11-1304. Penalties. Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

11-1305. Remedies. In case any building, structure or land is used, erected, constructed, reconstructed, repaired, converted, or maintained in violation of this ordinance, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action or proceedings to prevent the occupancy or use of such building, structure or land. If the City building inspector determines that under the circumstances of the violation that it is necessary for the City to approach a court of law or equity to redress the wrong, then said permittee who is found to be in the wrong under such civil action shall, in addition to paying all reasonable court cost, will pay reasonable attorney's fees to the City of Savannah.

## CHAPTER 14

### BOARD OF ZONING APPEALS

#### SECTIONS

11-1401. Creation and Appointment

11-1402. Procedure

11-1403. Appeals: How Taken

11-1404. Power

11-1401. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Savannah Board of Zoning Appeals shall consist of five (5) members who shall also serve as the Savannah Municipal-Regional Planning Commission.

11-1402. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record.

11-1403. Appeals: How Taken. Appeals to the Board of Zoning Appeals may be taken by any persons aggrieved, or by any officer, department, board or bureau of the municipality affected by any grant or refusal of a building permit or other act or decision of the Building Inspector of the municipality or other administrative official based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof and application fee of seventy-five (75) dollars. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appeals were taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or by attorney.

11-1404. Power. The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. To interpret the Official Zoning Map where questions of designation arise.

3. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property where 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 detriment to the public good and the intent and purpose of this ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.
  - (a) In granting a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance.
  - (b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
4. Allow in accordance with the following procedure the uses designated as permitted on approval of the Board of Zoning Appeals provided that:
  - (a) All provisions set forth in the appropriate zoning district are met and
  - (b) All special provisions set forth in this section are met.

Any applicant for the Use Permitted on Appeal of the Board of Zoning Appeals shall submit a site plan to the Board of Zoning Appeals showing the development concept for the tract.

The site plan shall:

1. Be drawn to a scale of 1" = 100'
2. Include the following:
  - a. existing roads
  - b. the zoning of adjacent tracts
  - c. proposed curb cuts, drives, parking areas, and drainage
  - d. the names of the owners of all adjoining lots or tracts
  - e. building lines and the location of all structures
  - f. landscaped buffer areas and planting screens to protect adjoining property

- g. proposed lighting and measures taken to prevent its adverse impact on adjoining property
- 3. Include all requirements for site plan review in the Special Provisions (Site Plan Review) Chapter of this ordinance.

## CHAPTER 15

### AMENDMENT

#### SECTIONS

- 11-1501. Zoning Amendment Petition
- 11-1502. Planning Commission Review
- 11-1503. Public Hearing on Proposed Amendment
- 11-1504. Amendment Fee

11-1501. Zoning Amendment Petition. The City Commission of Savannah, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the City Commission may introduce such amendment, or any official board or any other person may present a petition to the City Commission requesting an amendment or amendments to this ordinance.

11-1502. Planning Commission Review. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the City Planning Commission. If the City Planning Commission, within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the City Commission to become effective. If the City Planning Commission neither approves or disapproves such proposed amendment within thirty-five days after such submission, the absence of action shall be considered as approval of the proposed amendment.

11-1503. Public Hearing on Proposed Amendment. Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the City Commission shall publish a notice of such request for an amendment together with the notice of time set for hearing by the City Commission on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Savannah, Tennessee. Said hearing by the City Commission shall take place not sooner than fifteen (15) days after the date of publication of such notice.

11-1504. Amendment Fee. Upon presentation of a zoning amendment a fee of seventy-five (75) dollars will be paid to the City of Savannah. The fee is to defray the expense of hearing the proposed amendment and is fully earned upon petition.

## CHAPTER 16

### LEGAL STATUS PROVISIONS

#### SECTIONS

- 11-1601. Conflict with Other Ordinances
- 11-1602. Validity
- 11-1603. Effective Date

11-1601. Conflict with Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Savannah, the most restrictive shall in all cases apply.

11-1602. Validity. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

11-1603. Effective Date. This ordinance shall take and be in force fifteen (15) days from and after its passage, the public welfare demanding it.