

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. AIRPORT ZONING.
4. PLACEMENT OR CONSTRUCTION OF BUILDINGS OR STRUCTURES OVER UTILITY MAINS AND STORMWATER DRAINS.

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

- 14-101. Creation and membership.
14-102. Organization, powers, duties, etc.
14-103. Additional powers.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and another member of the board of commissioners selected by the board; the other five (5) members shall be appointed by the mayor. At least two (2) members of the planning commission designated as a regional planning commission in § 14-103 shall reside outside the city but within the region served by the regional planning commission. All members of the planning commission shall serve as such without compensation. The terms of the members shall be three (3) years, excepting that in the appointment of the first planning commission two (2) of said members shall be appointed for a term of three (3) years, two (2) for a term of two (2) years and the remaining member for a term of one (1) year. The terms of the mayor and the member selected by the board of commissioners shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1984 Code, § 11-101, modified)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1984 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the

additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1984 Code, § 11-103)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-202. Application fees.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Mount Pleasant shall be governed by Ordinance #81-641, titled "Zoning Ordinance of 1981, City of Mount Pleasant, Tennessee, " and any amendments and/or successors thereto. The zoning ordinance is included in its entirety in this chapter and its original numbering and formatting has been retained.

14-202. Application fees. The following fees shall be charged and collected for services and administration of land use activities under the authority of the planning commission and the board of zoning appeals, as follows:

APPLICATION FEE SCHEDULE

Subdivision plat--sketch

All plats having more than 4 lots	\$200.00
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Subdivision plat..preliminary

1-4 lots	\$100.00
5-20 lots	\$100.00 plus \$35.00 per lot
21 or more lots	\$100.00 plus \$25.00 per lot

Subdivision plat-final

1-4 lots	\$350.00
5-20 lots	\$250.00 plus \$35.00 per lot
21 or more lots	\$250.00 plus \$25.00 per lot

Site plans

(Zoning already in place)

Multi-family residential	\$350.00 (3 or more units)
Mobile home park	\$350.00
Commercial	\$350.00
Industrial	\$400.00

Board of zoning appeals

Variance request (setbacks,
building code, special exception) \$150 .00

Other request (home occupation,
signage, outside storage) \$100.00

Rezoning request

Planning commission review	\$250.00
Two readings by city commission	\$300.00

(Ord. #99-806, June 1999, as amended by Ord. #2007-871, June 2007, and Ord. #2009-890, Feb. 2009, as amended by Ord. #2016-988, August 2016)

ZONING ORDINANCE CONTENTS

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ORDINANCE NUMBER 81-641

OF THE CITY OF MOUNT PLEASANT, TENNESSEE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY SECTIONS 13-7-201 THROUGH 13-7-210, TENNESSEE CODE ANNOTATED, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE LIMITS OF THE CITY OF MOUNT PLEASANT, TENNESSEE: TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT OCCUPANCY, THE SIZE OF OPEN SPACES, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS, AND OTHER STRUCTURES: TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.

ARTICLE I.

TITLE

This ordinance shall be known as the "Zoning Ordinance of the City of Mount Pleasant, Tennessee." The map herein referred to as the "Municipal Zoning Map of Mount Pleasant, Tennessee," dated June 23, 1981 and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

ARTICLE II.

PURPOSE

The zoning regulations and districts as herein set forth have been in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things as to the character to 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.

ARTICLE III.

DEFINITIONS

Unless otherwise stated the following words shall for the purpose of this ordinance have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural, and the plural, the singular. The word "shall" is mandatory, not directory.

ABUTS OR ABUTTING: Lots or land adjoining but separated by a common property line; also, those lots or lands which adjoin if property lines are extended to the center lines of streets.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.

AGRICULTURAL USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Mount Pleasant, Tennessee are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of furbearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreens trees, spaces not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUILDABLE AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING: Any structure built for, or occupied by, residence, business, industry, or other use, including a tent, lunch wagon, dining car, mobile home, travel trailer, or a similar structure, whether stationary or movable.

Floor Area Ratio (FAR). The floor area in square feet of all buildings on a lot, divided by the area of such lot in square feet.

Half-Story. A story under a sloping roof, the finished floor area of which does not exceed one-half of the floor area of the floor immediately below it; or a basement used for human occupancy if the floor area of the part of the basement thus used does not exceed fifty (50) percent of the floor area of the floor immediately above.

Height of Building. The distance from the established average sidewalk grade of street grade, or finished grade at the building line, whichever is the highest, to the highest point of a building.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

Total Floor Area. The area of all floors of a building, including finished attic, finished basement, and covered porches used for habitation.

BUILDING SET BACK LINES: Yard Requirements

DWELLING: A building or part thereof used as a habitation under one of the following categories:

- a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

- c. Apartment dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.
- a. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities.
- b. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.
- c. Town house means a residential structure containing three (3) or more single non-detached dwelling units separated by a common vertical wall.
- d. Condominium means a form of ownership of less than the whole of a building under the "Tennessee Horizontal Property Act," Tennessee Code Annotated , §§ 64-2701 to -2722. The statute provides the mechanics for formal filing and recording of divided interests in real property, whether the division is vertical or horizontal.
- e. Multi-family means a townhouse or apartment dwelling.
- f. Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.
- g. Mobile home or trailer means a vehicular, portable structure built on a permanent chassis, designed for year-round occupancy and designed to be used with or without a permanent foundation when

connected to the required utilities including the plumbing, heating, and electrical contained therein, and which is capable of being moved, towed, or transported by another vehicle. Recreation vehicles and travel trailers are not included in this definition of mobile home. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

FAMILY: One or more persons living as a single housekeeping unit.

FALLOUT SHELTER: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, and other emergencies.

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, 100-YEAR: A flood which has, on the average, a one (1) percent change of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent-change flood."

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 floodplain.

FLOODPROOFING: Any combination of structural or nonstructural 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.

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 the predevelopment conditions.

FLOODWAY FRINGE AREAS: Lands lying outside a designated floodway, but within the area subject to inundation by the 100-year flood.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOSPITAL: See Medical Facilities.

HOME OCCUPATION: An incidental occupation customarily carried on in the residence, utilizing no more than twenty-five (25) percent of the usable flood area of all buildings; provided, (1) no article or service be sold or offered for sale on the premise other than that produced by such occupation, and (2) such occupation shall not require the alteration of buildings, new construction, or equipment and machinery not customarily used in residential areas.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

LANDSCAPE TREATMENT: The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another.

LIGHT MANUFACTURING: Industrial uses or activities which produce no objectionable noise, smoke, odor, dust, dirt, noxious gases, glare or heat and which do not create potential hazards such as fire, industrial waste and substantial traffic. All activities must be carried on indoors.

LOADING AND UNLOADING SPACE: An area for the loading and unloading of trucks or other vehicles at least fifty (50) feet in depth, twelve (12) feet in width, (with an overhead clearance of not less than fourteen (14) feet), exclusive of access, platform, or maneuvering area.

LOT: A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal structures and accessory structures and including the open spaces required under this ordinance.

Coverage. The relationship between the size of the building site and the amount of land utilized by principal and accessory structures.

Lot Lines. The boundaries dividing a given lot from the street, an alley, or adjacent lots.

Lot of Record. A lot whose existence, location, boundaries, and dimensions have been legally recorded in a deed or plat and filed as a legal record.

MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Center. A facility for the examination and treatment of ill and afflicted human outpatients, provided, however, that patients are not kept overnight except under emergency conditions.

Hospital. An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities, emergency medical services, and staff offices which are an integral part of the facility.

MOBILE HOME PARK: An individual parcel of land, under single ownership containing at least two (2) acres and ten (10) mobile home spaces, with continuing local general management. Special facilities for common use by the occupants, including recreational buildings and areas, common open space and laundry facilities may be provided. This item includes those mobile home parks which may have existed prior to the adoption date of this ordinance. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

NONCONFORMING USE: The use of a structure or of land, lawful at the time of enactment of this ordinance, that does not conform with the provisions of this ordinance for the district in which it is located.

PARKING LOT: An off-street facility including parking spaces with adequate provision for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: One (1) vehicular parking space at least three hundred (300) square feet in area and, at least, nine (9) feet in width measured to the center of a two (2) inch painted space marker.

PLANNING COMMISSION: The Mount Pleasant Regional Planning Commission.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

SHOPPING CENTER: A group of compatible commercial establishments planned, developed, and managed as a unit, with a parking lot provided on the

property; the center must also be related in location, size, and type of shops to its trade area.

SIGN: Any structure or part thereof or device attached thereto, painted on, or in any other manner represented on a building or other structure, which is used to announce, direct attention to, or advertise, and is visible from outside a building, which displays any writings (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character. Any of the above characteristics constitutes a sign within a building only when illuminated and located in a window.

Flashing Sign. A directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times in use.

Ground Sign or Billboard. Any sign not attached to any part of any building and which is supported by uprights or braces, placed upon the ground.

Off-Site Sign. A sign which directs attention to a business commodity or service to be, or being, conducted, sold, rented, leased, or otherwise offered for disposition elsewhere than on the premise.

On-Site Sign. Any sign other than an off-site sign.

Projecting Sign. Any sign extending over the public sidewalk or beyond the street line.

Roof Sign. Any sign erected, constructed, or maintained upon the roof of any building.

Sign Area. The area of the sign, excluding the structural elements lying outside the limits of such sign and not forming an integral part of the display.

Temporary Sign. Any sign which is by reason of construction or purpose intended to be displayed for a short period of time. Unless specifically stated elsewhere in this ordinance, a period of six (6) months is the maximum time limit for the display of a temporary sign.

Wall Sign. Any sign on any surface or plan that may be affixed parallel to or printed on the wall of any building.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

STREET: Any public or private way set aside for public travel which is thirty (30) feet or more in width. The word "street" shall include the words "road," "highway," and "thoroughfare."

Alley. Any public or private way less than thirty (30) feet in width set aside for public travel.

Arterial Street or System. A continuous highway or system of highways which connects cities and concurrently absorbs collector traffic.

Center Line of Street. That line surveyed and monumented by appropriate governmental authority as the center of a street. If such line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

Circulation. The flow of traffic, goods, or people within and through an area.

Collector Street. An urban street which collects traffic from minor streets and feeds it into the arterial system.

Curb Line. The line formed by a curb extending along its roadbed.

Point of Access. A driveway cut, on a public street, not exceeding twenty-five (25) feet in width, and not closer than twenty-five (25) feet to another driveway cut.

Right-of-way Line of Street. That line surveyed or approved by appropriate governmental authority as the outer boundary of a street. Such line is identical to or contiguous with any property line abutting a street, and is often referred to as "street line."

STRUCTURE: Any constructed or erected material or combination of materials, requiring space, including but not limited to, buildings, stadiums, radio towers, sheds, storage dens, fallout shelters, swimming pools, fences, and signs.

Accessory Structure. A subordinate structure, the use of which is incidental to that of a principal structure on the same lot.

Principal Structure. A structure in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure with regard to meeting any required setbacks.

YARD: Open space on the same lot with one or more principal structures, unoccupied, and unobstructed by buildings from the ground to the sky, except as otherwise provided in this ordinance.

Front Yard. The yard extending across the entire width of a lot between the right-of-way line of a public street and the nearest part of a principal structure. In the case of a corner lot, the regional zoning compliance officer shall identify the front yard for the purpose of compliance with this ordinance.

Rear Yard. The yard extending across the entire width of a lot between the rear lot line and the nearest part of a principal structure.

Side Yard. The yard extending along a side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of a principal structure.

Yard Depth. The shortest distance between the right-of-way line of a public street and the nearest part of a principal structure on a lot.

ARTICLE IV

GENERAL PROVISIONS

SECTION

- 4.100 Continuance of Nonconforming Uses and/or Structures
- 4.200 Number of Structures and Uses Associated with a Lot
- 4.300 Fallout Shelters
- 4.400 Minimum Lot Area
- 4.500 Rear Yard Abutting a Public Street
- 4.600 Obstruction to Vision at Street Intersection
- 4.700 Accessory Off-Street Parking and Loading Regulations
- 4.800 Signs
- 4.900 Landscape Treatment
- 4.1000 Plot Plan Requirements
- 4.1100 Floodway Fringe Area Requirements
- 4.1200 Minimum Design Standards for Transmission and Communication
Towers and Stations
- 4.1300 Fencing

Except as herein provided, no structure or land shall be used and no structure or parts thereof shall be erected, moved, or altered, unless for a use permitted by and in conformity with the regulations for the district in which it is located.

4.100 CONTINUANCE OF NONCONFORMING USES AND/OR STRUCTURES.

Any existing structure or use which does not conform to the provisions of this ordinance or subsequent amendment thereto may be continued with these limitations:

- 4.101 A nonconforming use shall not be changed to another nonconforming use.
- 4.102 A nonconforming use shall not be re-established after it has been discontinued.
- 4.103 A nonconforming use of land shall be restricted to the lot occupied by such use.
- 4.104 A nonconforming use of a structure shall not be enlarged to include either additional land or structures.
- 4.105 A nonconforming use may be extended throughout those parts of a structure which were manifestly arranged or designed for such use prior

to the time of enactment of this ordinance, but shall not be extended to additional structures on the same lot or another lot.

- 4.106 A nonconforming use shall not be structurally altered except in conformity with this ordinance. This provision shall not be construed to prevent normal maintenance required for structural safety.
- 4.107 A nonconforming use shall not be rebuilt or repaired after damage by fire, flood, wind or other acts of god exceeding fifty percent (50%) of the fair sales value of the structure immediately prior to damage, in which case any repair or reconstructions shall be in conformity with the provisions of this ordinance.
- 4.108 All nonconforming uses of land shall be discontinued and all nonconforming structures shall be torn down, altered, moved or otherwise made to conform within fourteen (14) years with the exception of junkyards, commercial animal yards, and lumber yards not on the same lot with a plant or factor, which shall be torn down, altered, moved, or otherwise made to conform within four (4) years from the date of enactment of this ordinance. Nonconforming signs and mobile homes shall be made to conform within three (3) years from the date of enactment of this ordinance.
- 4.109 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 any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment 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 is undertaken by such industry or business.
- 4.110 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 which 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 on the property owned by such industry or business situated

within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

- 4.111 Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change, provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto 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.

No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business where such conduct was permitted prior to a change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

- 4.112 The provisions of the preceding three (3) paragraphs shall apply only to land owned and in use by such affected business, and shall not permit expansion of an existing industry or business through the acquisition of additional land.

4.200 NUMBER OF STRUCTURES AND USES ASSOCIATED WITH A LOT.

- 4.201 No part of a yard or other open space, or automobile storage area, or loading and unloading space, required about or in connection with any structure for the purpose of complying with this ordinance, shall be included as a part of a yard, or other open space, or automobile storage area, or loading or unloading space similarly required for any other structure.

- 4.202 With the exception of group housing developments, including mobile home parks, only one principal structure and its customary accessory structures shall hereafter be erected on any lot in a residential district.

- 4.203 No building shall be erected on a lot which does not abut at least one (1) street for at least fifty (50) feet in width to a street which has been accepted as a public thoroughfare.

Permanent Easements (Vehicular)

A permanent easement, as established in Tennessee Code Annotated, § 13-4-308, may be permitted under certain conditions. These easements shall meet the following minimum requirements and any special conditions attached by the planning commission, and the requirements and special conditions for the easement shall be placed on the final plat for recording.

- A. A permanent easement shall be of a required width of no less than fifty (50) feet. However, the planning commission may require greater widths if necessary to meet special conditions present on a plat.
- B. A permanent easement shall be improved to meet the road construction standards established in these regulations.
- C. Permanent easement improvements shall be maintained by the developer/owner or by a legally established home owners association or other similar group approved by the planning commission. The legal documents establishing maintenance of the easement shall be submitted with the final plat for review and approval and shall be recorded with the final plat.
- D. If, at any future date, a permanent easement is submitted for acceptance as a public street or road, it shall be submitted to the planning commission for approval (Tennessee Code Annotated, § 13-4-307). In considering the easement for approval as a public street or road, the planning commission shall require the improvements in the easement to meet the minimum street construction standards in effect at the time the request for public acceptance is made.
- E. A permanent easement of at least fifty (50) feet may serve not more than four (4) lots. (Ord. #94-759, July 1994)

4.300 FALLOUT SHELTERS.

Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately; and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations of such use, but shall not be

used for principal or accessory uses prohibited expressly or by implication in the district.

4.400 MINIMUM LOT AREA.

No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose.

4.500 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, center line 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.

4.600 OBSTRUCTION TO VISION AT STREET INTERSECTION.

In all districts except C-1, Neighborhood Commercial, on a corner lot within the area formed by the center lines of intersecting streets and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall.

4.700 ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS.

Off-street parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number of specified below for various uses. Each space shall be at least ten (10) feet wide and twenty (20) feet long--two hundred (200) square feet in area--and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back onto a major or secondary thoroughfare, excluding residential property.

4.701 Off-Street Automobile Parking.

4.701.1 Amusement Places (Auditoriums, Stadiums, Theaters, or Similar Uses).

One (1) parking space for the number of employees; plus the number of patron seats divided by five (5) but at least one (1) space for each two hundred (200) square feet of floor space according to use. (As amended by Ord. #89-703, June 1989)

4.701.2 Automobile Sales and Repair Garages.

One (1) space for each regular employee plus one (1) space for each three hundred (300) square feet of floor area used for repair work.

4.701.3 Churches.

Five (5) parking spaces for the first thirty (30) individual seating spaces; plus five (5) parking spaces for every twenty (20) individual seating spaces, thereafter.

4.701.4 Dwellings.

Two (2) parking spaces for every family.

h. One- and Two-family Dwellings. Two (2) parking spaces for each family.

i. Three-family dwellings, single apartments, and group housing development. Two (2) parking spaces for each dwelling unit. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.5 Funeral Homes or Mortuaries.

One (1) parking space for every six (6) seats; or in the case of no fixed seats, one (1) parking space for every two hundred (200) square feet of chapel area; plus one (1) parking space for every funeral vehicle and one (1) for every resident family. (Ord. #81-641, as amended by Ord. #89-703, June 1989)

4.701.6 Hospitals and Nursing Homes.

One (1) parking space for every six (6) beds; plus one (1) parking space for every doctor; plus one (1) parking space for every two (2) nurses and other employees.

4.701.7 Hotels, Motels and Cabins.

One (1) parking space for every guest room; plus one (1) parking space for every three (3) employees.

4.701.8 Industrial or Manufacturing Establishments.

One (1) parking space for every four (4) employees; plus one (1) parking space for every business vehicle.

4.701.9 Lodges and Clubs.

One (1) space for each three (3) members.

4.701.10 Medical or Dental Clinics.

Four (4) parking spaces for every doctor; plus one (1) parking space for every two (2) employees. (Ord. #81-641, as amended by Ord. #89-703, June 1989)

4.701.11 Office, Professional, or Public Buildings.

One (1) parking space for every three hundred (300) square foot of office space. (Ord. #81-641, as amended by Ord. #89-703, June 1989)

4.701.12 Passenger Terminals.

Three (3) square feet of automobile storage area for every square foot of commercial floor area; plus one (1) parking space for every three (3) employees.

4.701.13 Recreational Areas (Bowling Alleys, Swimming Pools, Skating Rinks, or Similar Uses).

Two (2) square feet of automobile storage area for every square foot of floor area devoted to recreational use.

4.701.14 Retail Business or Personal Service Establishment.

One (1) parking space for every two hundred (200) square feet of customer service area. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.15 Restaurants, Tea Rooms, Coffee Shops and Similar Use.

One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees.

4.701.16 Roadside Service Facilities (Service Stations, Repair Shops, or Similar Uses).

One (1) parking space for every gasoline pump; plus one (1) parking space for every car wash room, every grease rack, every mechanic's stall, or similar area; plus one (1) parking space for every two (2) employees.

4.701.17 Shopping Centers.

One (1) parking space for every two hundred (200) square feet of building area. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.18 Wholesale Businesses or Warehousing.

One (1) parking space for every five (5) employees; plus one (1) parking space for every business vehicle, with a minimum of five (5) spaces. For establishments providing space for sales at retail, one (1) parking space should be provided for every five hundred (500) square feet of floor space. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.19 Other Structures or Uses Customarily Requiring Automobile Storage Areas.

One (1) parking space for every two hundred (200) square feet of floor area occupied. (Ord. #81-641, June 1981, as amended by Ord. #89-703, June 1989)

4.701.20 Parking Angle.

Where ninety (90) degree parking is planned or required, a width of sixty-five (65) lineal feet shall be provided for two (2) tiers of automobiles separated by a two-way aisle.

4.702 Other Automobile Storage Requirements.

4.702.1 If a required automobile storage area cannot be provided on the same lot with a principal use, the Mount Pleasant Municipal Board of Zoning Appeals (ARTICLE XII) may permit such space on other property not residential district to be used; provided, that it lies within four hundred (400) feet of the main entrance to such principal use. Except, that one-half of the automobile storage area required for a church, theater, or other place of assembly, whose peak attendance is at another time, may be assigned to another use.

4.702.2 Joint Use of Off-Street Parking.

Nothing in this ordinance shall be constructed to prevent the joint use of an off-street parking area or facility by two (2) or more buildings or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.

4.702.3 Requirements for Design of Parking Lots.

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than two hundred (200) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090 of this ordinance.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

4.703 Off-street loading and unloading requirements.

Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area for Principal Building</u>	<u>Spaces Required (See ARTICLE II for Definition)</u>
0 to 4,999 square feet	One (1) space
5,000 to 9,999 sq. feet	Two (2) spaces
10,000 to 14,999 sq. feet	Three (3) spaces
15,000 to 19,999 sq. feet	Four (4) spaces
Over 20,000 sq. feet	Four (4) spaces, plus one (1) additional space for each additional 20,000 sq. ft.

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

4.704 Temporary Use Regulations.

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

- A. Carnival or Circus: May obtain a Temporary Use Permit in the C-3, C-4, M-1, M-2 or F-1 Districts however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use

shall only be permitted on lots where adequate off-street parking can be provided.

- B. Christmas Tree Sale: May obtain a 30-day Temporary Use Permit for the display and sale of Christmas trees on open lots in any districts.

- A. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

- B. Religious Tent Meetings: In any district, except the residential districts RS, RL, RG2, and RG3, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a 30-day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

- C. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community.

4.705 Customary incidental home occupations.

A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops, or the accommodation of not more than two (2) boarders) conducted by members of a family residing on the premises or only one (1) person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration

to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located.

Activities that are deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation. This includes: dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, convalescent homes, mortuaries, animal clinics, retail sales businesses, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the area.

4.800 SIGNS.

4.801 General Requirements.

- 4.801.1 No sign or billboard except those authorized in Section 802 of this Chapter, shall be erected until a permit has been obtained therefore from the building inspector.
- 4.801.2 No ground sign supports shall be located closer than five (5) feet to any street line or property line.
- 4.801.3 Any sign located within fifteen (15) feet of the street line shall be at least eight (8) feet above grade level. No sign shall be permitted where, in the opinion of the board of appeals, a traffic hazard would be created.
- 4.801.4 No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty (50) feet in length.
- 4.801.5 Billboards shall be erected or placed in conformity with the side, front, and rear yard requirements for the district in which located. However, no billboards shall be erected or placed closer than within one hundred (100) feet of any Residential District.

4.801.6 If signs are not kept in good repair in the opinion of the board of zoning appeals, the sign permit may be revoked and such signs removed by the city.

4.802 Signs Permitted in All Districts.

- 4.802.1 Signs of duly constituted governmental bodies including warnings at crossroads.
- 4.802.2 Flags or emblems of political, civic, philanthropic, educational, or religious organizations.
- 4.802.3 Temporary signs, totaling not over two (2) square feet of surface area on any lot, appertaining to campaigns, drives, or events of political, civic, philanthropic, educational, or religious organizations, provided that such surface area may exceed two (2) square feet for a single period of not more than seven (7) days in any quarter calendar year.
- 4.802.4 Memorial plaques, cornerstones, historical tablets, and the like.
- 4.802.5 Signs not visible off the lot upon which they are situated.
- 4.802.6 Signs posted in conjunction with door bells or mail boxes, not exceeding seven (7) square inches of surface area.
- 4.802.7 Signs required by law or governmental order, rule, or regulation, unless specifically prohibited, limited, or restricted.
- 4.802.8 Small unilluminated signs, not exceeding one and one-half (1 1/2) square feet in surface area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, parking area entrances or exits, freight entrances, and the like.
- 4.802.9 Address signs, not more than one (1) for each street frontage of each principal use on a lot and not exceeding seventy-two (72) square inches in surface area, showing only the numerical address designations of the premise upon which they are situated.

- 4.802.10 One sign of not more than six (6) square feet pertaining to the sale, lease, hire, or rental of the property on which the sign is displayed; provided that if said property faces more than one (1) street, one (1) sign shall be allowed on each frontage. Each such sign shall be located not nearer than ten (10) feet to an adjoining premise, and not nearer than five (5) feet to a street line.
- 4.802.11 One unilluminated sign of not more than two (2) square feet indicating the name of the occupant and his profession or business and attached flat against a wall of a building.
- 4.802.12 One bulletin board of not more than ten (10) sq. ft. for purposes of charitable, educational, or religious institutions.
- 4.802.13 One temporary sign not to exceed six (6) square feet in area indicating the name of the contractors, engineers, and/or architects of a project during a construction period.

4.803 Signs Permitted in Residential Districts.

- 4.803.1 Nameplates indicating name, address, house number, announcements of boarders or roomers, or customary home occupations are permitted.
- 4.803.2 For multi-family dwellings and mobile home parks, identification signs not exceeding twenty (20) square feet in area are permitted.
- 4.803.3 Church, school, or public building bulleting boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
- 4.803.4 Flashing or intermittent illumination is prohibited.
- 4.803.5 Billboards and other advertising structures are prohibited.

4.804 Signs Permitted In Commercial Districts.

- 4.804.1 Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals and clinics.

- 4.804.2 Business signs shall be permitted subject only to the restrictions in section 4-801 of this chapter.
- 4.804.3 Billboards and other outdoor structures are permitted, subject to the general restrictions set forth in section 4.801. However, flashing or intermittent illumination signs are prohibited.

4.805 Signs Permitted In Industrial Districts.

- 4.805.1 Business signs shall be permitted which relate to the business on the premises, and are subject to the restrictions in section 4.801 of this article.
- 4.805.2 Signs not exceeding three hundred (300) square feet in surface area may be attached to a building wall or roof, projected from a building or constructed as ground signs or independent permanent supports, provided that no part of the sign shall project over any right-of-way.
- 4.805.3 Any sign of more than fifty (50) square feet in surface area shall be set back at least fifteen (15) feet from the street lines.
- 4.805.4 Flashing or intermittent illumination is prohibited.
- 4.805.5 Billboards and other outdoor advertising structures are permitted.

4.806 Signs Prohibited in All Districts.

- 4.806.1 Signs on any vacant lot or parcel of land lying between two (2) residential structures or uses where said structures or uses are less than one hundred (100) feet apart or located within fifty (50) feet of any residential use in the same block frontage.
- 4.806.2 Off-site signs within one hundred (100) feet of any public school ground or public park.
- 4.806.3 Except for public safety, signs within three hundred (300) feet of railroad crossings.

- 4.806.4 Signs painted on or attached to fence posts, trees, rocks, canopy posts, utility poles, or placed on, by or above the green planting area between the structures and the thoroughfare.
- 4.806.5 Signs whereby reason of its position, wording, illumination, size, shape or color it may obstruct, impair, obscure or interfere with the view of or be confused with any authorized traffic control sign, signal, device or emergency vehicle.

4.900 LANDSCAPING TREATMENT REGULATIONS.

4.901 Purpose and intent.

It is the purpose and intent of these regulations to provide adequate protection for the contiguous property against the undesirable effects caused by the creation and operation of parking and loading areas, and to protect and preserve the appearance and character of the surrounding neighborhoods through the screening effects and aesthetic qualities of such landscaping. The landscaping ordinance can be waved by the planning commission if deemed necessary due to hardships or natural land features. as such. All parking and loading areas constructed after the date of the ordinance codified in this chapter, shall be properly screened and landscaped as hereinafter described:

1. Yards.

All yards and open spaces surrounding parking lots, access drives and streets shall be landscaped with trees and shrubs, and shall be maintained by the property owner. In commercial and industrial areas, twenty (20) percent will remain green/open spaces.

2. Parking Lots.

For parking lots adjacent to residentially zoned property a Buffer Strip shall apply.

3. Material Replacement and Time Frame.

All new landscaped areas shall be installed within six (6) months after the occupancy or use of the building or premises. Dead plants materials shall be replaced in a timely fashion with living plant material and shall have the same quality and quantity of the initially approved landscaping.

3. Maintenance.

All landscaping shall be maintained in a healthy, neat, trimmed, clean, and weed-free condition. Landscaped areas shall be covered with either grass and/or other types of ground cover located beneath and surrounding the trees and shrubs.

4. Areas Near Off-Street Parking.

Landscaped areas within and immediately adjacent to an off-street parking or loading area shall be protected from encroachment of motor vehicles by placing, along the entire perimeter of the landscaped area a six (6) inch concrete curb or other curbing material approved by the Planning Commission.

5. Buffer Strips.

In situations where a nonresidential use is constructed on a commercial or industrial zoned lot, and said lot is located adjacent to a residentially zoned lot, then the developer of the nonresidential use shall provide the following screening within the required rear and/or side yard building setback areas:

- (a) A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than twenty (20) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.
- (b) In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of eight (8) feet.

- (c) The use of earth sculpting or berms may be allowed in place of fencing provided they are designed to provide the same screening effect and are designed to avoid erosion, drainage or maintenance problems. (Ord. #2009-891, May 2009)

4.1000 PLOT PLAN REQUIREMENTS.

The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy, and identify in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings, according to the particular types of development proposals, to the Mount Pleasant Municipal-Regional Planning Commission (hereafter referred to as the planning commission), in accordance with the following procedures:

- 4.1001 Proposals for the construction or location of a single principal structure on a lot (with the exception of single-family, two-family and three-family dwellings) shall be submitted to a scale no smaller than 1"=100' and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, and landscape treatment, in accordance with General Provisions previously outlined in this ordinance.
- 4.1002 Proposals for group housing developments, including mobile home parks, and for planned shopping centers shall follow separate provisions subsequently outlined in this ordinance.
- 4.1003 The above applications must be supported by any other information of data as might be deemed necessary by the planning commission.
- 4.1100 FLOODWAY FRINGE AREA REQUIREMENTS. (Ord. #81-641, June 1981, as deleted by Ord. #87- , Feb. 1988)

4.1200 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS.

Standards for Telephone, Telegraph, and Communications Transmitter Towers. All transmitter towers and operating equipment shall adhere to the following standards:

- E. All towers constructed shall be the principal use on the property that they are located on. No parcel shall be used for the purpose of constructing a tower that does not meet minimum lot size requirements for the zoning district.
- F. Any new tower constructed shall be capable of supporting co-locations by other Tele-communication users. Each application for a new tower must be accompanied by written certification that there is existing tower capability of supporting a co-location in the area.
- G. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1991 utilizing a wind rating of eighty (80) miles per hour plus ice loading for Mount Pleasant, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
- H. Each application for a new tower shall include written technical information that the tower will not interfere with public safety, communications or disrupt the transmission or reception of radio, television or other communications of adjacent residential and nonresidential uses.
- I. A site plan in compliance with section 4.1000 shall be approved by the Planning Commission prior to submission to the Board of Zoning Appeals for approval of the use.
- J. All applications for new towers are required to have approval as a "Special Exception" by the Board of Zoning Appeals prior to any permit being issued for construction.
- K. All towers shall be set back from all property lines by a distance that is equal to:

6. For a guyed tower, fifty (50) percent of the height, and
 7. For a self-supporting tower, equal to the height of the tower.
- H. All applications for permits to build towers in Mount Pleasant must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- L. The entire area containing the tower, equipment and any guyed supports shall be enclosed with a fence no shorter than six (6) feet in height. Access gates to the site will be locked at all times when the site is not occupied.
- M. Where the tower site abuts or is contiguous to any Residential Zoned District, there shall be provided a continuous, solid screening around the fenced area of the site and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.
- N. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration. Towers not requiring marking or lighting shall have an exterior finish, which enhances compatibility with adjacent land use as approved by the Board of Appeals.
- O. The tower owner is responsible for maintaining the grounds, landscaping and all structures on the tower site in a manner acceptable to the City of Mount Pleasant, Tennessee.
- P. In the event that the tower owner decides to discontinue operation of the tower or equipment, the owner shall notify the City of Mount Pleasant, Tennessee in writing when the use shall be discontinued. Unless the owner will maintain the discontinued tower site, the tower and all accessory structures are to be removed within nine (9) months. (Ord. #2003-834, May 2003)

4.1300 FENCING

All fencing shall:

- 4.1301 Be oriented so that the finished side of the fence faces adjoining properties or the public right-of-way;
- 4.1302 Be made of permanent durable materials. Fences made of plywood, slabwood, plastic sheeting, cloth and similar nondurable materials are expressly prohibited; and
- 4.1303 Be maintained in a safe, structurally sound and upright condition. Fences that are broken, rotten or structurally unsound shall be repaired. Conditions of disrepair include, but are not limited to, leaning fences, fences that are missing slats, parts or blocks, breaks, rot, cracking, or other broken, damaged or removed material. (as added by Ord. #2011-923, April 2011)

ARTICLE V

ESTABLISHMENT OF ZONING DISTRICTS

SECTION

- 5.100 Classification of Districts
- 5.200 Zoning Map
- 5.300 Zoning District Boundaries
- 5.400 Where Lots Are Divided by Zoning
- 5.500 Zoning of Annexed Land

5.100 CLASSIFICATION OF DISTRICTS.

For the purpose of this ordinance the following zoning districts are hereby established in the City of Mount Pleasant, Tennessee:

<u>Zoning District</u>	<u>District Abbreviation</u>
Agricultural	AG
Large Lot Residential	RL
Single Family Residential	RS
General Residential (Duplexes)	RG-1
General Residential (Medium Density)	RG-2
General Residential (High Density)	RG-3
Neighborhood Commercial	C-1
Central Business District	C-2
General Commercial	C-3
Planned Shopping Centers	C-4
Restrictive Light Manufacturing	LM
Light Manufacturing	M-1
Heavy Manufacturing	M-2
Floodplain Zone	FP

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

5.200 ZONING MAP.

The boundaries of districts established by this ordinance are shown on the official maps which are hereby incorporated into the provisions of this ordinance. The zoning map in its entirety including all amendments shall be as much a part of this ordinance as if fully set forth and described herein. This map is on file in the office of the city recorder.

5.300 ZONING DISTRICT BOUNDARIES.

Unless otherwise indicated on the map, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel to a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Mount Pleasant Board of Zoning Appeals.

5.400 WHERE LOTS ARE DIVIDED BY ZONING.

Where a district boundary divides a lot, which existed 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 extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district.

5.500 ZONING OF ANNEXED LAND.

Upon annexation of land by Mount Pleasant if said land is not already zoned, said land shall be zoned automatically "Agricultural, AG" until such time as all or any portion of such land is rezoned by amendment (Article XIII). But if zoned under the provision of a regional zoning ordinance, said land shall retain its established zone.

ARTICLE VI

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

SECTION

- 6.100 AG--Agricultural District
- 6.200 RL--Large Lot Residential Districts
- 6.300 RS--Single Family Residential Districts
- 6.400 RG-1--General Residential District (Duplexes)
- 6.500 RG-2--General Residential District (Medium Density)
- 6.600 RG-3--General Residential District (High Density)

6.100 AG--AGRICULTURAL DISTRICT.

This district is intended to preserve the rural character of annexed land on the fringe of the city, specifically allowing agricultural purposes and those buildings necessary to support those purposes and low density residential development on lots of sufficient size to provide necessary services. (5 Acre Minimum) This district may include areas and lands not suitable for development due to limitations of soil, geology or topography. This district will include community facilities, public utilities and open uses which specifically serve the residents of the district. Facilities which are enhanced by an open environment and which do not deter from the overall rural character of the district are also included.

6.101 Permitted Principal Uses and Structures.

- 6.101.1 Single family detached dwelling units.
- 6.101.2 Community Facilities.
- 6.101.3 Agricultural Activities.
 - 6.101.301 Crop and Animal Raising
 - 6.101.302 Plant Nursery

6.102 Permitted Accessory Uses and Structures.

- 6.102.1 Living quarters of persons regularly employed on the premises.
- 6.102.2 Private barns, stable, shed, and other farm buildings.

- 6.102.3 Private garages and parking areas.
- 6.102.4 Signs in compliance with Section II of Article IV.
- 6.102.5 Accessory uses or structures customarily incidental to the above permitted uses.
- 6.102.6 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)
- 6.102.7 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.103 Special Exceptions.

Subject to appropriate conditions and safeguards, the Planning Commission may permit special exceptions in order to preserve and protect the character of the district. Site plan review will be required for the following special exceptions.

- j. Churches
- k. Schools
- l. Parks
- m. Cemeteries

6.104 Prohibited Uses and Structures.

Uses not specifically permitted, permitted on appeal or permitted by implication.

Mobile homes and mobile home parks. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.105 Minimum Lot Requirements and Density Requirements.

Lot Area 5 acres
 Lot Width 200 feet
 Density2 dwelling units per acre

NOTE: All barns, sheds or other buildings used exclusively for agricultural purposes shall be exempt from these regulations.

6.106 Minimum Yard Requirements.

Front	150
Side	60
Rear	80

6.107 Maximum Lot Coverage.

20 percent

6.108 Maximum Height.

No structure shall exceed two and one-half (2 1/2) stories, thirty-five (35) feet, with the exception of farm silos.

6.200 RL--LARGE LOT RESIDENTIAL DISTRICTS.

These districts are intended to be single-family residential areas with very low densities. Only certain structures and uses other than residential dwellings are permissible as special exceptions within such districts in order to preserve and protect their single-family residential character and to provide a density zone between those required by the Agricultural and RS Zones.

6.201 Permitted Principal Uses and Structures.

6.201.1 Single-family detached dwellings. (Ord. #81-641, as amended by Ord. #84-655, Feb. 1984)

6.202 Permitted Accessory Uses and Structures

Uses and structures which:

6.202.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

6.202.2 Do not involve the conduct of business on the premises.

6.202.3 Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

6.202.4 Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.

6.202.5 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)

6.202.6 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.203 Special Exceptions.

6.203.1 Churches.

6.203.2 Country Clubs.

6.203.3 Public Parks, playgrounds which are in keeping with the residential character of the neighborhood.

6.203.4 Schools.

6.203.5 Other uses which the Board of Zoning Appeals may permit subject to appropriate conditions and safeguards, in order to preserve and protect the character of the district.

6.203.6 All special exceptions require site plan review by the Planning Commission before issuance of a Building Permit.

6.204 Prohibited Uses and Structures.

6.204.1 Home businesses of any type.

6.204.2 All other uses not specifically permitted, permitted on appeal or permitted by implication.

6.204.3 Mobile homes and mobile home parks. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.205 Minimum Lot Requirements and Density Requirements

Lot Area	15,000 square feet
Lot Width	100 feet
Density	2.5 Dwelling units per acre

6.206 Minimum Yard Requirements

Residences: Front	40
Side	20
Rear	20

6.206.2 All other permissible structures as for residences unless otherwise specified by this ordinance.

6.207 Maximum Lot Coverage.

Thirty-three percent (33%).

6.208 Maximum Height.

No portion shall exceed two and one-half (2 1/2) stories or thirty five (35) feet.

6.209 Minimum Off-Street Parking and Loading Requirements.

6.209.1 Single-family dwellings--fifteen (1.5) spaces.

6.209.2 Special Exceptions permissible by the Board of Zoning Appeals to be determined by general rule or by findings in the particular case.

6.209.3 Churches--fifteen (1.5) spaces for each 5 seats in auditorium.

6.210 Permitted Signs.

No signs intended to be read from off the premises shall be permitted except:

1. In connection with a church, playground or playfield:
 - (a) Not more than two (2) identification signs, with combined surface area not exceeding twenty (20) square feet.

- (b) Not more than two (2) bulletin or notice boards with combined surface area not exceeding thirty (30) square feet.
- 2. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding four (4) square feet are permitted.

No such sign shall be erected within ten (10) feet of any adjacent residential property line. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.300 RS--SINGLE FAMILY RESIDENTIAL DISTRICTS.

These districts are intended to be single-family residential areas with low population densities. Certain structures and uses required to serve governmental, and other immediate needs of such areas are permitted outright or are permissible as special exceptions within such districts, subject to restrictions and requirements intended to preserve and protect their single-family residential character.

6.301 Permitted Principal Uses and Structures.

- 6.301.1 Single-family detached dwellings. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)
- 6.301.2 Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.
- 6.301.3 Churches.
- 6.301.4 Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

6.302 Permitted Accessory Uses and Structures.

Uses and structures which:

- 6.302.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- 6.302.2 Do not involve the conduct of business on the premises.

6.302.3 Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

6.302.4 Are not of a nature likely to attract visitors in larger number than would normally be expected in a residential neighborhood.

6.302.5 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)

6.302.6 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

Professional offices are permitted as accessory uses in homes in this district, provided that they meet the above requirements, and further provided that there is no sign, notice, or other external evidence of the existence of such offices.

Noncommercial greenhouses and plan nurseries, servants' quarters not for rent, private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits, private swimming pools, and the like are permitted as accessory uses or structures in this district.

6.303 Special Exceptions.

Subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit special exceptions in order to preserve and protect the character of the district.

6.303.1 Private day nurseries and kindergartens, provided:

(c) Total lot area shall not be less than fifteen thousand (15,000) square feet.

(d) A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet additional for each additional child.

- (c) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor closer than fifty (50) feet to any public street.
- (e) A screening (either vegetative or masonry wall) shall be provided between fenced play areas and residential lot lines in such locations as the board may direct.
- (f) All outdoor play activities shall be conducted within the fenced play area.
- (g) In addition to the requirements above, the facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Public Welfare.

6.303.2 Hospitals, provided that such facility shall have a lot area of not less than five (5) acres, and that no building in connection with such facility shall be closer than thirty (30) feet to the lot line of any adjacent property.

6.303.3 Cemeteries.

6.303.4 Temporary structures and operations in connection with, and on the site of, building or land developments, including grading, paving, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials, and the like, provided that no such permit shall be for a period of more than six (6) months, renewable by the Board for periods of not more than six (6) months.

5.303.5 Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

- (a) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.

- (b) A screening (either vegetative masonry) shall be provided along edges of portions of such lots adjoining residential property as the Board may direct.
- (h) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
- (i) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the Board may impose greater limitations.
- (j) There shall be no sales or service activity on such lots.

6.304 Prohibited Uses and Structures.

Trade or service establishments or storage in connection with such establishments, storage or long-term parking of commercial or industrial vehicles, storage of building materials, except in connection with active construction activities on the premises, mobile home parks, mobile homes, outdoor advertising, any use of structure not specifically or provisionally permitted herein, and any use or structure which the Board of Zoning Appeals, upon appeal and after investigations of similar uses or structures elsewhere, shall determine to be potentially noxious, dangerous or offensive to residents of the district by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or likely for other reasons to be incompatible with the character of the district.

6.305 Minimum Lot Requirements and Density Requirements.

- (k) With sewer and water connection:
 - Lot Area -- 10,000 square feet
 - Lot Width -- 80 feet
 - Density -- 4.3 Dwelling Units per acre
- (l) Without sewer and water connections:
 - Lot Area -- 15,000 square feet
 - Lot Width -- 100 feet
 - Density -- 2.5 Dwelling Units per acre

6.306 Minimum Yard Requirements.

Residences: Front --	35 feet
Side --	15 feet
Rear --	20 feet

Other permitted or permissible structures as for residences unless otherwise specified.

6.307 Maximum Lot Coverage.

Single-family dwellings and accessory building	30 percent
Other permitted or permissible buildings	25 percent

6.308 Maximum Height.

No portion shall exceed: two and one-half (2 1/2) stories, thirty-five (35) feet.

6.309 Minimum Off-Street Parking and Loading Requirements.

- n. Single-family dwellings: two (2) spaces.
- o. Schools:

6.310 Limitations on Signs.

No signs intended to be read from off the premise shall be permitted except:

- a. In connection with a church, school-public park, play ground or playfield, or a municipal or neighborhood building:
 - (1) No more than two (2) identification signs, with combined surface area not exceeding twenty (20) square feet.
 - (2) Not more than two (2) bulletin or notice boards with combined surface area not exceeding thirty (30) square feet.
- b. In advertising any property for sale, rent or lease, signs with a combined total surface area not exceeding four (4) square feet are permitted.

No such sign shall be erected within ten (10) feet of any adjacent residential property line.

6.400 RG1--GENERAL RESIDENTIAL DISTRICT.

These districts are intended to be low to medium density residential areas permitting single-family and two-family residences and also related uses in keeping with the residential character of the district.

6.401 Permitted Principal Uses and Structures.

- 6.401.1 Single-family detached dwellings. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)
- 6.401.2 Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.
- 6.401.3 Churches.
- 6.401.4 Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.
- 6.401.5 Two family dwellings (duplexes).
- 6.401.6 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)
- 6.401.7 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.402 Permitted Accessory Uses and Structures.

Uses and structures which:

- 6.402.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- 6.402.2 Do not involve the conduct of business on the premises.

6.402.3 Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

6.402.4 Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.

Professional offices are permitted as accessory uses in homes in this district, provided that they meet the above requirements, and further provided that there is no sign, notice, or other external evidence of the existence of such offices. Noncommercial greenhouses and plant nurseries, servants' quarters not for rent, private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits, private swimming pools, and the like are permitted as accessory uses or structures in this district.

6.403 Special Exceptions.

Subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit special exceptions in order to preserve and protect the character of the district.

6.403.1 Private day nurseries and kindergartens, provided:

- (m) Total lot area shall not be less than fifteen thousand (15,000) square feet.
- (n) A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet additional for each additional child.
- (o) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor closer than fifty (50) feet to any public street.
- (p) A screening (either vegetative or masonry wall) shall be provided between fenced play areas and residential lot lines in such locations as the board may direct.
- (q) All outdoor play activities shall be conducted within the fenced play area.

- (f) In addition to the requirements above, the facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Public Welfare.

6.403.2 Hospitals, provided that such facility shall have a lot area of not less than five (5) acres, and that no building in connection with such facility shall be closer than thirty (30) feet to the lot line of any adjacent property.

6.403.3 Nursing Homes

6.403.4 Cemeteries

6.403.5 Temporary structures and operations in connection with, and on the site of, building or land developments, including grading, paving, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials, and the like, provided that no such permit shall be for a period of more than six (6) months, renewable by the Board for periods of not more than six (6) months.

6.403.6 Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

- (r) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.
- (s) A screening (either vegetative or masonry) shall be provided along edges or portions of such lots adjoining residential property as the Board may direct.
- (t) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
- (u) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the Board may impose greater limitations.

- (e) There shall be no sales or service activity on such lots.

6.403.7 The Board of Zoning Appeals may permit special exceptions, subject to appropriate conditions and safeguards.

6.404 Prohibited Uses and Structures.

Uses not specifically permitted, permitted on appeal, or permitted by implication.

Mobile homes and mobile home parks. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.405 Minimum Lot and Density Requirements.

With sewer and water

a.	Single-family feet detached	Lot area	10,000 square
		Lot width	75 feet
		Density	4.3 Dwelling Units per acre

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

b.	Duplex	Lot area	13,500 square feet
		Lot width	75 feet
		Density	6.4 Dwelling units per acre

Without public sewer

c.	Single-family	Lot area	15,000 square feet
		Lot width	75 feet
		Density	2.6 Dwelling units per acre

d.	Duplex	Lot area	15,000 square feet
		Lot width	75 feet
		Density	1.3 Dwelling units per acre

*or larger as determined by the Maury County Health Department (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.406 Minimum Yard Requirements.

Residences:	Front.....	35 feet
	Side	15 feet
	Rear	20 feet

Other permitted or permissible structures: As for RS unless otherwise specified.

6.407 Maximum Lot Coverage.

Forty (40) percent.

6.408 Maximum Height.

No portion shall exceed three (3) stories or forty (40) feet.

6.409 Minimum Off-Street Parking and Loading Requirements.

As for RS, except that two (2) spaces shall be provided for each dwelling unit in a single-family or two-family residence.

6.410 Limitations on Signs.

As for RS, and in addition, in connection with a home occupation, or professional office not to exceed one (1) sign, non-illuminated, mounted flat against the wall of the building, and not exceeding two (2) square feet in area.

6.500 RG2--GENERAL RESIDENTIAL DISTRICT.

These districts are intended to be medium density residential areas permitting single-family, two-family, and multiple-family residences and related uses which are in keeping with the character of the district, and which are intended to complement the life styles of the residents, as well as preserve the amenities of the areas.

6.501 Permitted Principal Uses and Structures.

6.501.1 Single-family detached dwellings. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.501.2 Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.

6.501.3 Churches.

6.501.4 Public parks, playgrounds and playfields, and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

6.501.5 Two family residences (duplexes).

6.501.6 Multiple family dwellings, board and lodging houses.

6.502 Permitted Accessory Uses and Structures.

Uses and structures which:

6.502.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

6.502.2 Do not involve the conduct of business on the premises.

6.502.3 Are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.

6.502.4 Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood. Noncommercial greenhouses and plant nurseries, private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits, private swimming pools, and the like are permitted as accessory uses and structures in this district.

6.502.5 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)

6.502.6 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.503 Special Exceptions.

Subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit special exceptions in order to preserve and protect the character of the district.

6.503.1 Private day nurseries and kindergartens, provided:

- (v) Total lot area shall not be less than fifteen thousand (15,000) square feet.
- (w) A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children, with two hundred (200) square feet additional for each additional child.
- (x) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor closer than fifty (50) feet to any public street.
- (y) A screening (either vegetative or masonry wall) shall be provided between fenced play areas and residential lot lines in such locations as the board may direct.
- (z) All outdoor play activities shall be conducted within the fenced play area.
- (aa) In addition to the requirements above, the facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Public Welfare.

6.503.2 Hospitals, provided that such facility shall have a lot area of not less than five (5) acres, and that no building in connection with such facility shall be closer than thirty (30) feet to the lot line of any adjacent property.

6.503.3 Cemeteries.

6.503.4 Funeral Homes.

6.503.5 Temporary structures and operations in connection with, and on the site of, building or land developments, including

grading, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials, and the like, provided that no such permit shall be for a period of more than six (6) months, renewable by the board for periods of not more than six (6) months.

6.503.6 Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

- (bb) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.
- (cc) A screening (either vegetative or masonry) shall be provided along edges of portions of such lots adjoining residential property as the board may direct.
- (dd) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
- (ee) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the board may impose greater limitations.
- (ff) There shall be no sales or service activity on such lots.

6.504 Prohibited Uses and Structures.

Uses not specifically permitted, permitted on appeal or permitted by implication.

Mobile homes and mobile home parks. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.505 Minimum Lot and Density Requirements.

a.	Single-family detached	Lot area	7,500	square feet
		Lot width	70	feet
		Density	5.8	Dwelling units per acre
a.	Duplex	Lot area	10,000	square feet
		Lot width	75	feet
		Density	5.8	Dwelling units per acre
b.	Multi-family-three family	Lot area	12,500	square feet
		Lot width	80	feet
		Density	14	Dwelling units per acre
c.	Four family	Lot area	14,000	square feet
		Lot width	80	feet
		Density	14	Dwelling units per acre
d.	Five family or more	Lot area	18,000	square feet
		Lot width	120	feet
		Density	21.8	Dwelling units per acre

All dwellings are required to be connected to the city water and sewer systems. 6.506 Group Housing Developments (Multi-family).

This section is intended to provide some flexibility in design and to ensure a minimum standard of site development for group housing, or other projects involving the location of three (3) or more residential structures on a single lot or tract of land, not subdivided.

6.506.1 General Location Map. Before an application is filed for a building permit, a sketch map at a scale no smaller than 1"-2,000' encompassing the proposed site shall be submitted to the planning commission for its consideration. Such map shall exhibit the following:

- p. The approximate boundaries of the site.
- q. External (public) access streets or roads in relation to site.

- d. Surrounding development (i.e., general residential, commercial, and industrial areas) within one (1) mile of site.
- r. Any public water and sewer systems in relation to site.

6.506.2 Site Plan. Subject to the planning commission's regarding the general location, a site plan at a scale no small than 1"-200' also shall be submitted to the planning commission. Such site plan shall exhibit the following:

- s. Topographic contours at five (5) foot intervals, and drainage ways.
- t. The location and dimensions of proposed internal streets, structures, mobile home spaces, and off-street parking spaces.
- u. Points of access to public streets.
- v. The location and size of available water and sewer lines.
- w. The location and dimension of any easements.

6.506.3 Required Development Standards. The following shall apply:

- a. Location.
 - 8. The site shall comprise a single lot or tract of land except where divided by public streets.
 - 9. The site shall abut a public street.
 - 10. Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile home park.
- b. Dimensions.
 - 1. The minimum front yards on a public street shall be twenty-seven (27) feet.

2. The minimum side or rear yards on a public street shall be fifteen (15) feet.

1. The minimum yards adjoining another zoning district shall be twenty-five (25) feet.

c. Design.

d. Internal Streets.

2. The minimum right-of-way width of collector streets exceeding five hundred (500) feet in length, or serving more than fifty (50) dwelling units, shall be sixty (60) feet.

3. The minimum right-of-way width of minor streets shall be fifty (50) feet.

4. The maximum grade on any street shall be ten (10) percent.

5. Where feasible, all street intersections shall be at right angles.

e. Public Street Access.

6. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.

7. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

6.506.4 Required Improvements. The following shall be required:

a. Internal Streets.

1. Streets shall be privately constructed and maintained.

2. The base of streets shall consist of crushed stone or gravel, eight (8) inches in depth, compacted.
11. The surface of streets shall consist of asphalt or better materials, two (2) inches in depth, compacted.
12. The minimum pavement width of collector streets shall be twenty-four (24) feet.
13. The minimum pavement width of minor streets shall be twenty (20) feet.
14. Closed ends of dead-in streets shall provide a vehicular turn-around at least eighty (80) feet in diameter.

b. Utilities.

1. The development shall be serviced with sanitary sewers and public water on trunk lines not less than eight (8) inches and six (6) inches, respectively.

x. Storage of Waste.

1. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.

y. Service Building.

1. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

6.507 Maximum Height.

No portion shall exceed three (3) stories or forty (40) feet.

6.602 Permitted Accessory Uses and Structures.

Uses and Structures which:

- 6.602.1 Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- 6.602.2 Do not involve the conduct of business on the premises.
- 6.602.3 Are located on the same lot as the permitted principal uses or structures, or on a contiguous lot in the same ownership.
- 6.602.4 Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood. Non-commercial green houses and plant nurseries, private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits, private swimming pools, and the like are permitted as accessory uses and structures in this district.
- 6.602.5 With the exception of signs and fences, accessory structures shall not be erected in any required front yard. (as added by Ord. #2010-910, May 2010)
- 6.602.6 Accessory structures shall be located at least five feet (5') from any side lot line, from the rear lot line, and from any building on the same lot. (as added by Ord. #2010-910, May 2010)

6.603 Special Exceptions

Subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit special exceptions in order to preserve and protect the character of the district.

6.603.1 Private day nurseries and kindergartens, provided:

- bb. Total lot area shall not be less than fifteen thousand (15,000) square feet.
- cc. A fenced play area of not less than four thousand (4,000) square feet shall be provided for the first

twenty (20) or less children with two hundred (200) square feet additional for each additional child.

- e. No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor closer than fifty (50) feet to any public street.
- dd. A screening (either vegetative or masonry wall) shall be provided between fenced play areas and residential lot lines in such locations as the board may direct.
- ee. All outdoor play activities shall be conducted within the fenced play area.
- ff. In addition to the requirements above, the facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Public Welfare.

6.603.2 Hospitals, provided that such facility shall have a lot area of not less than five (5) acres, and that no building in connection with such facility shall be closer than thirty (30) feet to the lot line of any adjacent property.

6.603.3 Cemeteries.

6.603.4 Funeral Homes.

6.603.5 Temporary structures and operations in connection with, and on the site of, building or land developments, including grading, paving installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials, and the like, provided that no such permit shall be for a period of more than six (6) months, renewable by the board for period of not more than six (6) months.

There this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

- (gg) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.
- (hh) A screening (either vegetative or masonry) shall be provided along edges of portions of such lots adjoining residential property as the board may direct.
- (ii) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.
- (ij) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the board may impose greater limitations.
- (kk) There shall be no sales or services activity on such lots.

6.604 Prohibited Uses and Structures.

Any use not specifically permitted or by appeal to the Board of Zoning Appeals.

6.605 Minimum Lot and Density Requirements.

a.	Single-family 7,000 detached	Lot width	Lot area	square feet feet 60 Dwelling Units per acre (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)
b.	Duplex 7,000	Lot width	Lot area	square feet feet 75 Dwelling units per acre

c.	Multi-family-three family	Lot area Lot width Density	10,500 80 14	square feet feet Dwelling units per acre
e.	Four family	Lot area Lot width Density	14,000 100 14	square feet feet Dwelling units per acre
f.	Five or more families	Lot area Lot width Density	18,000 120 21.8	square feet feet Dwelling units per acre

a. As required for Mobile Home Parks in section 6.609.
(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.606 Minimum yard requirements.

For all residential development within this district:

- Front yard 27 feet
- Side yard 15 feet
- Rear yard 15 feet

Minimum yard adjoining another district 25. Refer to Group Housing Developments, section 6.506.

6.607 Maximum Building Height.

No portions shall exceed three (3) stories or forty (40) feet. All buildings above two and one-half (2 1/2) stories require permission from the Board of Zoning Appeals as Special Exception.

6.608 Group Housing Developments (Multi-family).

This section is intended to provide a maximum flexibility in design and to ensure a minimum standard of site development from group housing, mobile home units or other projects involving the location of two (2) or more residential structures on a single lot or tract of land, not subdivided.

6.608.1 General Location Map. Before an application is filed for a building permit, a sketch map at a scale no smaller than 1"-2,000' encompassing the proposed site shall be submitted

to the planning commission for its consideration. Such map shall exhibit the following:

- gg. The approximate boundaries of the site.
- hh. External (public) access streets or roads in relation to site.
- ii. Surrounding development (i.e., general residential, commercial, and industrial areas) within one (1) mile of site.
- jj. Any public water and sewer systems in relation to site.

6.608.2 Site Plan. Subject to the planning commission's recommendation regarding the general location, a site plan at a scale no smaller than 1"=200' also shall be submitted to the planning commission. Such site plan shall exhibit the following:

- kk. Topographic contours at five (5) foot intervals, and drainage ways.
- ll. The location and dimensions of proposed internal streets, structures, mobile home spaces, and off-street parking spaces.
- mm. Points of access to public streets.
- nn. The location and size of available water and sewer lines.
- oo. The location and dimension of any easements. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.608.3 Required Development Standards. The following shall apply:

a. Location.

- 15. The site shall comprise a single lot or tract of land except where divided by public streets.
- 16. The site shall abut a public street.

4. Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile home park.
- b. Dimensions.
17. The minimum front yards on a public street shall be twenty-seven (27) feet.
 18. The minimum side or rear yards on a public street shall be fifteen (15) feet.
 19. The minimum yards adjoining another zoning district shall be twenty-five (25) feet.
- c. Design.
- d. Internal Streets.
20. The minimum right-of-way width of collector streets exceeding five hundred (500) feet in length, or serving more than fifty (50) dwelling units, shall be sixty (60) feet.
 21. The minimum right-of-way width of minor streets shall be fifty (50) feet.
 22. The maximum grade on any street shall be ten (10) percent.
 23. Where feasible, all street intersections shall be at right angles.
- e. Public Street Access.
24. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.
 25. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

6.608.4 Required Improvements. The following shall be required:

a. Internal Streets.

26. Streets shall be privately constructed and maintained.
27. The base of streets shall consist of crushed stone or gravel eight (8) inches in depth, compacted.
28. The surface of streets shall consist of asphalt or better materials, two (2) inches in depth, compacted.
29. The minimum pavement width of collector streets shall be twenty-four (24) feet.
30. The minimum pavement width of minor streets shall be twenty (20) feet.
31. Closed ends of dead end streets shall provide a vehicular turn-around at least eighty (80) feet in diameter.

b. Utilities.

1. The development shall be serviced with sanitary sewers and public water on trunk lines not less than eight (8) inches and six (6) inches, respectively.

c. Storage of Waste.

1. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.

d. Service Building.

1. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

6.609 Development Standards for Mobile Home Parks.

The following land development standards shall apply for all mobile home parks:

- A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- B. Condition of soil, ground water level, drainage and topography shall not create hazard to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion shall be used for any purpose which would expose persons or property to hazards. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

6.609.1 Density.

The number of mobile homes permitted within any mobile home park shall be determined as follows:

From the gross acreage located within the site of the mobile home park shall be subtracted:

- (1) any portion lying within a flood district;
- (2) any portion exceeding 15% in slope;
- (3) 10% of the remainder for streets.

6.609.2 Dimensional Requirement for Parks.

- 8. Each mobile home park shall have a front yard of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
- 9. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
- 10. In instances where side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
- 11. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- 12. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum

size of twenty (20) square feet. Said sign(s) shall contain thereon only the name or address of the park and may be lighted in indirect lighting only.

6.609.3 Dimensional Requirements for Mobile Home Spaces.

- Q. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers. A space for a double-wide mobile home shall be fifty (50) feet wide.
- R. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
- S. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
- T. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space. Other off-street parking bays may be provided.
- U. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel, and shall be paved with an impervious surface.
- V. The minimum lot area per mobile home space with public water and sewer shall be thirty six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.
- W. Each stand shall comply with "The Tennessee Mobile Home Anchoring Act," Tennessee Code Annotated, §§ 68-45-101 through 111, and the FHA "Minimum Property Standards for Mobile Home Parks," 1967.

6.609.4 Utilities and Other Services.

A. Water and Distribution System.

Each mobile home development shall be served by a public water supply which has been approved by the Tennessee Department of Public Health. The trunk line serving each development shall be not less than six (6) inches in diameter.

B. Sewage Disposal.

Each mobile home park shall be served by public sewer with service provided at each trailer site.

C. Solid Waste Disposal System.

Solid waste collection stands shall be provided for waste containers for each mobile home. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and containers from deterioration, and to facilitate cleaning around them. Any central waste containers shall be screened from view with access appropriately provided.

D. Utilities Connections.

All wiring for electric, telephone, cable and other similar services shall be underground.

E. Service Buildings.

Service buildings housing sanitation and laundry facilities, where provided, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installation, and plumbing systems.

F. Fire Protection.

Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a two (2) hour duration.

G. Insect and Rodent Control.

Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

6.609.5 General Requirements.

- F. Roads within the mobile home park shall be paved to a width of not less than twenty-four (24) feet in accordance with the procedures and standards for minor residential streets as specified in the Mount Pleasant Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
- G. All mobile home spaces within the park shall abut the access road as described in subsection A of this section.
- H. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
- I. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
- J. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
- K. No inoperative automobiles, junk or noncontained trash shall be allowed within the park.
- L. A landscape buffer as defined in this ordinance shall be provided along the perimeter of the site boundaries not less than ten (10) feet in width, except that a minimum buffer area from any public street shall be not less than fifteen (15) feet.

Within the landscaped buffer a continuous fence at least four (4) feet high shall also be provided. No landscaped screen or fence shall be placed within fifteen (15) feet of any vehicular entrance and/or exit to the park.

6.609.6 Plans and Schedules Require. The following information shall be shown on the required site plan:

13. The location and legal description of the proposed mobile home park.
14. The location and size of all buildings, improvements, and facilities constructed or to be constructed, within the mobile home park.
15. The proposed use of buildings shown on the site plan.
16. The location and size of all mobile home spaces.
17. The location of all points of entry and exits for motor vehicles and the internal circulation.
18. The location of all off-street parking facilities.
19. The location of park and recreation areas.
20. The name and address of the applicant.
21. Such other architectural, engineering, and topographic data as may be required to permit the local health department, the Mount Pleasant Building Inspector, staff planner, and the Planning Commission to determine if the provisions of the regulations are being complied with shall be submitted with the site plan.
22. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

6.609.7 Responsibilities of Park Management.

- A. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

- B. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- C. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Building Inspector which includes securing its stability to anchor pins and installing all utility connections.
- D. The permittee shall maintain a register containing the following information:
 - (ll) The name and address of each mobile home occupant;
 - (mm) The name and address of the owner of each mobile home and motor vehicle by which it was towed;
 - (nn) The make, year, and license number of each mobile home and motor vehicle;
 - (oo) The date of arrival and or departure of each mobile home.
- E. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
- F. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
- G. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
- H. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
- I. The permittee shall be answerable for the violation of any provisions of this section.

6.609.8 Responsibilities of Park Occupants.

- M. The park occupant shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- N. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.
- O. Skirtings, awnings, and other additions shall be installed only if approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath the mobile home shall not be used for storage.
- P. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodentproof, insectproof, and water-tight.
- Q. Fire extinguishers shall be kept at the premises and maintained in working condition.
- R. All park occupants shall be required to register their pets (dogs or cats) with the park management.
- S. All park occupants shall be required to have their pets (dogs or cats) on a leash and pets shall not be allowed to roam free and unleashed.
- T. Park occupants shall not be allowed to construct or place pens for animals on the park premises.

6.609.9 Inspections.

The Building Inspector is hereby authorized and directed to make semi-annual inspections to determine the condition of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.

The Building Inspector shall have the power to enter upon any private and public property for the purpose of inspecting and

investigating conditions relating to the semi-annual inspection as it relates to the enforcement of section 6.609.8 and 6.609.9 of this article.

6.609.10 Noncomplying Regulations.

Within one (1) year from the effective date of this ordinance any existing mobile home park located within the Mount Pleasant corporate limits shall comply with those sections of this ordinance listed below.

Site conditions	6.609.-B
Anchoring	6.609.3-G, 6.609.8-B
Water Supply	6.604.4-A
Sewage Disposal	6.604.4.-B
Solid Waste Disposal System	6.604.4-C
Insect and Rodent Control	6.604.4-F
Fire Protection	6.604.4-E
Junk	6.609.5-F

No variance shall be granted from these provisions, as compliance is essential to the public health, safety and welfare.

Upon annexation of any territory into the corporate limits of Mount Pleasant, any existing mobile home park shall within one (1) year from the effective date of the annexation ordinance, comply with the provisions of this section listed below.

Site conditions	6.609.-B
Anchoring	6.609.3-G, 6.609.8-B
Water Supply	6.604.4-A
Sewage Disposal	6.604.4.-B
Solid Waste Disposal System	6.604.4-C
Insect and Rodent Control	6.604.4-F
Fire Protection	6.604.4-E
Junk	6.609.5-F

No variance shall be granted from these provisions, as compliance is essential to the public health, safety and welfare.

6.609.11 Application for Mobile Home Park Building Permit.

An application for a permit to develop and construct a mobile home park shall be filed with the Building Inspector and shall be

accompanied by all site plans, schedules, and other information therein required. Said application shall be processed in the following manner:

- D. The written application, plans, and schedule, herein required, and a statement of approval of the proposed sewage disposal system from the Maury County Health Department will be submitted to the Mount Pleasant Building Inspector and staff planner. The building inspector and staff planner shall duly review these materials and shall coordinate the review with other affected agencies and departments.
- E. The Mount Pleasant Building Inspector and staff planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

ARTICLE VII

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

SECTION

- 7.100 C-1 Neighborhood Commercial District
- 7.200 C-2 Central Business District
- 7.300 C-3 General Commercial District
- 7.400 C-4 Planned Shopping Center District

7.100 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

Districts in this category are intended to serve the daily needs of the neighborhoods in which they are located.

7.101 Permitted Principal Uses and Structures.

- 7.101.1 Retail stores.
- 7.101.2 Offices, studios, clinics and laboratories.
- 7.101.3 Financial institutions.
- 7.101.4 Eating and drinking establishments.
- 7.101.5 Establishments offering repair services on items brought in by customers.
- 7.101.6 Amusement and recreation establishments.
- 7.101.7 Churches.
- 7.101.8 Filling stations.
- 7.101.9 Veterinary establishments, provided that all animals shall be kept inside soundproof air-conditioned buildings.

7.102 Permitted Accessory Uses and Structures.

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures

and are not of a nature prohibited under "Prohibited Uses and Structures."

7.103 Special Exceptions.

7.103.1 Hospitals.

7.104 Prohibited Uses and Structures.

Single-family, two-family dwellings and mobile homes except where one (1) of the above dwellings burns or is destroyed by other disaster and reconstruction of said dwelling starts within twelve (12) months of said fire or other disaster. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

7.104.1 Employment of more than ten (10) persons in manufacturing of goods for sale at retail on the premises or in processing products in personal service establishments.

7.104.2 Employment of more than ten (10) persons in manufacturing of goods for sale at retail on the premises or in processing products in personal service establishments.

7.104.3 Yards for storage of new or used building materials, or for any scrap or salvage operations, or for storage or display of any scrap, salvaged or second-hand materials.

7.104.4 Truck terminals, storage warehouses.

7.104.5 Bulk petroleum products storage and distribution.

7.104.6 All uses and structures not of a nature specifically or provisionally permitted herein, and any use which the Board of Zoning Appeals, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or likely for other reasons to be incompatible with the character of the district.

7.105 Minimum Lot Requirements.

5,000 square feet.

7.106 Minimum Yard Requirements.

Front--twenty-five (25) feet. If a building or buildings on an adjacent lot or lots provide front yards less than twenty-five (25) feet in depth, a front yard equal to the average of adjacent front yards shall be provided.

7.106.1 Side--Ten (10) feet.

7.106.2 Rear--Ten (10) feet.

7.107 Maximum Lot Coverage.

Sixty (60) percent.

7.108 Maximum Height.

No portion shall exceed three (3) stories forty (40) feet.

7.109 Minimum Off-Street Parking Requirements. See section 4.700

7.110 Permitted signs. See section 4.800.

7.200 C-2 CENTRAL BUSINESS DISTRICT.

This district is the focal point of commercial activity as presently developed. It is intended to protect and improve this district for the performance of this primary function, and to discourage uses not requiring a central location.

7.201 Permitted Principal Uses and Structures.

7.201.1 Retail stores, sales and display rooms and shops.

7.201.2 Offices.

7.201.3 Hotels and motels.

7.201.4 Financial institutions.

7.201.5 Personal service establishments.

7.201.6 Business service establishments.

7.201.7 Amusement and recreation establishments.

7.201.8 Business schools, studios, vocational schools not involving processes of industrial nature.

7.201.9 Clubs and lodges.

7.201.10 Churches.

7.201.11 Public buildings.

7.201.12 Parking lots and parking garages.

7.201.13 Filling stations.

7.202 Permitted Accessory Uses and Structures.

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures."

7.203 Special Exceptions.

7.204 Prohibited Uses and Structures.

7.204.1 Manufacturing, except for production of products for sale at retail on the premises.

7.204.2 Warehousing, and storage except as accessory to a permitted principal use.

7.204.3 Sales, service, display or storage of goods except in completely enclosed buildings.

7.204.4 All uses and structures not of a nature specifically permitted herein.

7.204.5 Any use which the Board of Zoning Appeals, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring districts by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of

fire or explosion, or likely for other reasons to be incompatible with the character of the district.

7.204.6 Mobile Homes. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

7.205 Minimum Lot Requirements (Area and Width).

None.

7.206 Minimum Yard Requirements.

None.

7.207 Maximum Lot Coverage.

Unrestricted.

7.208 Maximum Height.

*No portion shall exceed three (3) stories, forty (40) feet.

7.209 Minimum Off-Street Parking and Loading Requirements.

None.

7.210 Limitations on Signs.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises are prohibited. See section 4.800.

7.300 C-3 GENERAL COMMERCIAL DISTRICT.

Districts in this category are intended to include areas along streets carrying large volumes of traffic where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. In addition, due to the existing land use pattern, light manufacturing uses may be permitted as special exceptions, subject to restrictions and requirements intended to preserve and protect the character of the district.

7.301.1 Permitted Principal Uses and Structures.

7.301.2 Retail Stores.

7.301.3 Offices, studios, clinics and laboratories.

7.301.4 Financial institutions.

7.301.5 Eating and drinking establishments.

7.301.6 Establishments offering repair services on items brought in by customers.

7.301.7 Amusement and recreation establishments.

7.301.8 Churches.

7.301.9 Filling stations.

7.301.10 Veterinary establishments, provided that all animals shall be kept inside soundproof air-conditioned buildings.

7.301.11 Tourist and lodging homes.

7.301.12 Wholesaling, warehousing, storage, supply and distribution not involving outdoor storage lots and yards.

7.301.13 Service and repair establishments including automobile repair garages.

7.301.14 Veterinary establishments, provided that all animals shall be kept inside soundproof, air-conditioned buildings.

7.302 Permitted Accessory Uses and Structures.

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures."

7.303 Special Exceptions.

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as special exceptions.

7.303.1 Outdoor storage lots and yards (except for storage, processing, display or sale of salvaged materials), with provisions to protect uses and structures not on the premises from adverse effects.

7.303.2 Truck terminals.

7.303.3 Light Manufacturing and processing with provisions to protect uses and structures not on the premises from adverse effects.

7.303.4 Multiple-family dwelling units with requirements as provided in section 6.506 "Group Housing Developments" and set forth below.

7.304 Prohibited Uses and Structures.

Dwelling units except as provided under "Permitted Accessory Uses and Structures" and "Special Exceptions." (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

32. Mobile homes.

33. Junk yards, wrecking yards.

Any use which the Board of Zoning Appeals, upon appeal and after investigating similar uses elsewhere, shall find to be potentially noxious, dangerous or offensive to adjacent occupancies in the same or neighboring district by reasons of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or likely for other reasons to be incompatible with the character of the district.

7.305 Minimum Lot Requirements (Area and Width).

5,000 square feet.

7.306 Minimum Yard Requirements.

Front -- 25 feet.
Side -- 10 feet.
Rear -- 10 feet.

7.307 Maximum Lot Coverage.

60 percent.

7.308 Maximum Height.

No portion shall exceed three (3) stories, forty (40) feet.

7.309 Minimum Off-Street Parking and Loading Requirements.

See section 4.700.

7.310 Limitations on Signs. See section 4.800.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises are prohibited.

7.311 Site Plan Review.

Site plan review by the Planning Commission is required for all commercial development prior to issuance of a building permit.

7.400 C-4 PLANNED SHOPPING CENTER DISTRICT.

Rezoning for C-4 Planned Shopping Centers: Land use studies indicate more than ample area and frontage for present and future commercial needs along the major thoroughfares. In addition to area and frontage considerations, however, public convenience, safety, and general welfare require that other conditions be met:

7.400.1 Each residential area should be served by commercial facilities convenient to the area.

7.400.2 The tracts on which such facilities are located should be of such size, shape and location as to enable development of well-organized commercial facilities with proper access streets, ingress and egress, off-street parking and loading space, and other requirements and amenities.

7.400.3 The character of the commercial development should be appropriate to the neighborhood and conditions and safeguards should be provided to insure that the development will enhance rather than diminish the value of surrounding residential property.

7.401 Land To Be Considered for C-4 Zoning. Two (2) types of lands will be considered for C-4 zoning:

7.401.1 Additions in depth to lands where frontage is already zoned in a manner which permits commercial developments.

7.401.2 Lands not presently zoned for commercial uses in whole or in part, in areas not now served by appropriate and convenient facilities.

7.402 Materials to be Submitted With Preliminary Applications.

In all cases, applicants for rezoning to C-4 shall submit to the Planning Commission.

7-402.1 A preliminary development plan covering the entire tract of fifty (50) to one hundred (100) feet to the inch, shall indicate topography at 2-foot contour intervals, and shall show existing streams or other significant natural features.

7.403 Processing Preliminary Applications for C-4 Rezoning.

Within thirty (30) days after a preliminary application has been filed, the planning commission shall review it for compliance with the requirements of this ordinance, shall determine whether there is adequate justification for the requested zoning change in terms of public necessity and convenience, and shall make a finding as to whether the proposed changes is in accordance with the objectives of the comprehensive plan. In the course of such review, the planning commission may suggest changes in the preliminary plan as a condition for planning commission approval.

The planning commission shall then transmit the application and the preliminary plan to the City Commission, with its recommendations as to approval, disapproval, desirable changes, and special conditions and safeguards, which recommendations may include suggested time limits within which all or specified stages of construction (or both) shall be started or completed (or both).

Before taking any action on any proposed amendment, the City Council shall hold a public hearing in compliance with Article XIII of this ordinance.

7.404 Permitted Principal Uses and Structures.

7.404.1 Supermarkets; drug stores; bakeries; meat markets; hardware; paint; wallpaper stores; camera shops; florist shops; gift shops; hobby shops; stationery shops; apparel stores; shoe stores; variety stores; jewelry stores; stores for sale of gardening supplies and equipment.

7.404.2 Eating and drinking establishments.

7.404.3 Barber shops; beauty shops; cleaning and laundry agencies, including coin operated laundry and dry-cleaning establishments; shoe repair shops; and repair establishments for household articles and appliances.

7.404.4 Offices and studios; medical and dental offices and clinics; financial institutions.

7.405 Permitted Accessory Uses and Structures.

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the character of the district.

7.406 Prohibited Uses and Structures.

Signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises; outdoor advertising, repair garages; outdoor storage, mobile homes; and any use not of a nature specifically permitted above. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

7.407 Minimum Lot Requirements.

Two (2) acres.

7.408 Minimum Yard Requirements.

All yards adjacent to streets, to residentially-zoned lots, or to alleys adjacent to residential-zoned lots shall be at least twenty (20) feet in depth. Where the C-4 district abuts or adjoins residentially-zoned lots, or alleys adjacent to residentially-zoned lots, a 6-foot masonry wall or a vegetative screening shall be utilized along or across the alley from the residential side or rear yard lines.

7.409 Maximum Height of Structure.

No portion of any structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

7.410 Minimum Off-Street Parking and Loading Requirements.

For each one hundred (100) square feet of gross floor area in buildings, one (1) off-street parking space shall be provided. Adequate off-street loading facilities, separate from off-street parking facilities, shall be provided at the rear or side of the shopping center buildings.

7.411 Limitations on Signs.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises are prohibited. Also see section 4.800.

ARTICLE VIII

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION

8.100 LM, Restrictive Light Manufacturing

8.200 M-1, Light Manufacturing

8.300 M-2, Heavy Manufacturing

8.400 M-3, Special Impact Industrial

8.100 LM, RESTRICTIVE LIGHT MANUFACTURING.

This district is intended to provide space for a wide range of industrial and related uses which conform to a high level of performance standards and have the least objectionable characteristics. It is required that all operations of such establishments be carried on within completely enclosed buildings, thus providing a standard of development which removes most adverse characteristics that affect neighboring properties.

This district may provide a buffer between more intensive or objectionable industrial activities and other districts.

Wholesaling, light manufacturing and processing are permitted as well as complimentary community facilities and commercial establishments which provide needed services for industry. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.101 Permitted Principal Uses and Structures.

8.101.1 Light manufacturing and processing.

8.101.2 Vocational schools and trade schools involving operations of a light industrial nature.

8.101.3 Wholesaling, warehousing, storage of nonhazardous materials, supply and distribution.

8.101.4 Service and repair establishments including automobile repair garages.

8.101.5 Veterinary establishments, provided that all animals shall be kept inside soundproof, air-conditioned buildings.

- 8.101.6 Churches.
- 8.101.7 Hotels, motels, tourist and lodging homes.
- 8.101.8 Public buildings.
- 8.101.9 Parking lots.
- 8.101.10 Community facilities.
- 8.101.11 Retail stores, sales, display rooms and shops.
- 8.101.12 Offices, studios, clinics, laboratories.
- 8.101.13 Financial institutions.
- 8.101.14 Personal services establishments.
- 8.101.15 Business service establishments.
- 8.101.16 Clubs and lodges.
- 8.101.17 Filling stations.
- 8.101.18 Amusement and recreation establishments.
- 8.101.19 Eating and drinking establishments. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.102 Permitted Accessory Uses and Structures.

Accessory facilities and buildings which are customarily incidental and appurtenant to permitted structures and are not otherwise prohibited under "Prohibited Uses and Structures."

- 8.102.1 Incidental services such as food and beverage dispensing and sales facilities to serve employees and guests, when conducted as an integral part of the principal use and having no exterior advertising.
- 8.102.2 Dwelling units for occupancy only by owners or employees thereof. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.103 Special exceptions.

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb.

1984) 8.104 Prohibited Uses and Structures.

Dwelling units except as provided under "Accessory Uses and Structures," elementary schools, wrecking yards or junk yards, and bulk storage of flammable or hazardous materials.

Mobile homes. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.105 Minimum Lot Requirements, Area, Width and Density.

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.106 Minimum Yard Requirements.

Front 25 feet

Side 10 feet

Rear 20 feet

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.107 Maximum Lot Coverage.

Unrestricted. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.108 Maximum Height.

No portion shall exceed three (3) stories or forty (40) feet. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.109 Minimum Off Street Parking and Loading Requirements.

One (1) parking space for every four (4) employees; plus one (1) parking space for every business vehicle. Consideration for visitor parking is encouraged. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.110 Limitations on Signs.

None except as mentioned under accessory uses. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.111 Other Requirements.

8.111.1 Enclosure Requirements. All uses shall be conducted within completely enclosed buildings except for agriculture, parking and loading, exterior storage and other accessory uses listed herein which by their nature must necessarily exist outside a building.

8.111.2 Provisions Applying Along District Boundaries. In any Manufacturing District along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least fifty (50) feet from such lot line.

8.111.3 Exterior Storage. Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall, or hedge.

8.111.4 Surfacing of Storage Areas. All storage areas shall be surfaced to provide a durable surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.200 M-1, LIGHT MANUFACTURING.

This district is intended primarily for light manufacturing processing, storage, wholesaling distribution and also permits commercial uses. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.201 Permitted Principal Uses and Structures.

8.201.1 Offices, studios, clinics and laboratories.

8.201.2 Eating and drinking establishments.

- 8.201.3 Establishments offering repair services on items brought in by customers.
- 8.201.4 Amusement and recreation establishments.
- 8.201.5 Filling stations.
- 8.201.6 Veterinary establishments, provided that all animals shall be kept inside soundproof air-conditioned buildings.
- 8.201.7 Personal service establishments.
- 8.201.8 Public buildings.
- 8.201.9 Parking lots and parking garages.
- 8.201.10 Business schools, studios, vocational schools not involving processes of industrial nature.
- 8.201.11 Clubs and lodges.
- 8.201.12 Business service establishments.
- 8.201.13 Truck terminals.
- 8.201.14 Wholesaling, warehousing, storage, supply and distribution.
- 8.201.15 Service and repair establishments including automobile repair garages.
- 8.201.16 Light manufacturing and processing.
- 8.201.17 Vocational schools and trade schools involving operations of a light industrial nature. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.202 Permitted Accessory Uses and Structures.

On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures."

8.203 Special Exceptions.

8.203.1 Bulk storage of inflammable liquids.

8.203.2 Outdoor storage lots and yards, except wrecking yards, and junk automobile yards. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.204 Prohibited Uses and Structures.

Dwelling units except as provided under "Accessory Uses and Structures"; elementary or high schools; wrecking yards or junk yards; and all uses or structures not of a nature specifically permitted herein. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.205 Minimum Lot Requirements (Area and Width).

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.206 Minimum Yard Requirements.

Front 25 feet

Side 10 feet

Rear 20 feet

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.207 Maximum Lot Coverage.

Unrestricted. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.208 Maximum Height.

No portion shall exceed: three (3) stories, forty (40) feet, except storage facilities for raw materials and other appurtenances usually required to be placed above the roof level and not intended for human habitation subject to review of the Board of Zoning Appeals. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.209 Minimum Off-Street Parking and Loading Requirements.

One (1) parking space for every four (4) employees; plus one (1) parking space for every business vehicle. Consideration for visitor parking is

encouraged. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.210 Limitations on Signs.

No limitations, except that flashing signs are not allowed. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.211 Other Requirements.

8.211.1 Enclosure Requirements. All uses shall be conducted with completely enclosed buildings except for agriculture, parking and loading, exterior storage and other accessory uses listed herein which by their nature must necessarily exist outside a building.

8.211.2 Provisions Along District Boundaries. In any manufacturing district along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least fifty (50) feet from such lot line and further, where and M-1 district abuts a residential district, the developer of the manufacturing/industrial use shall provide a buffer strip as defined herein at the point of abutment.

8.211.3 Exterior Storage. Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge.

8.211.4 Surfacing of Storage Areas. All storage areas shall be surfaced to provide a durable surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

8.300 M-2, HEAVY MANUFACTURING.

This district is intended primarily for heavy manufacturing and closely related uses. Also permitted in the district are commercial and other uses allowed in commercial districts. However, commercial uses will not be afforded the same level of protection as they would if they located in

districts primarily designed for them. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.301 Permitted Principal Uses and Structures.

8.301.1 Offices, studios, clinics and laboratories.

8.301.2 Filling stations.

8.301.3 Veterinary establishments, including outdoor pens.

8.301.4 Business schools, studios, vocational schools not involving processes of industrial nature.

8.301.5 Public buildings.

8.301.6 Parking lots and parking garages.

8.301.7 Truck terminals.

8.301.8 Wholesaling, warehousing, storage, supply and distribution.

8.301.9 Service and repair establishments including automobile repair garages.

8.301.10 Light manufacturing and processing.

8.301.11 Bulk storage of inflammable liquids or material.

8.301.12 Outdoor storage lots and yards, except wrecking yards and junk automobile yards.

8.301.13 Vocational schools and trade schools involving operations of a light industrial nature. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.302 Permitted Accessory Uses and Structures.

On the same premises as permitted principal uses and structures, and only as required for the conduct of the operation, dwelling units for owners or employees, and other uses and structures incidental and subordinate to the principal use or structure and otherwise meeting the requirements of this district. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.303 Special Exceptions.

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb.

1984) 8.304 Prohibited Uses and Structures.

Dwelling units except as provided under "Accessory and Structures," and elementary or high schools.

Mobile homes. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.305 Minimum Lot Requirements (Area and Width).

None. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.306 Minimum Yard Requirements.

Front	25 feet
Side	10 feet
Rear	20 feet

(Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.307 Maximum Lot Coverage.

Unrestricted. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.308 Maximum Height.

No portion shall exceed: Three (3) stories, forty (40) feet, except storage facilities for raw materials and other appurtenances usually required to be placed above the roof level and not intended for human habitation subject to review of the Board of Zoning Appeals. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.309 Minimum Off-Street Parking and Loading Requirements.

One (1) parking space for every four (4) employees; plus one (1) parking space for every business vehicle. Consideration for visitor parking is encouraged. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.310 Limitations on Signs.

No limitations. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.311 Other Requirements.

8.311.1 Enclosure Requirements. All uses shall be conducted within completely enclosed buildings except for agriculture, parking and loading, exterior storage and other accessory uses listed herein which by their nature must necessarily exist outside a building.

8.311.2 Provisions Along District Boundaries. In any manufacturing district along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least fifty (50) feet from such lot line, and further, where M-2 district abuts a residential district, the developer of the manufacturing industrial use shall provide a buffer strip as defined herein at the point of abutment.

8.311.3 Exterior Storage. Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall, or hedge.

8.311.4 Surfacing of Storage Areas. All storage areas shall be surfaced to provide a durable surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

8.400 M-3, SPECIAL IMPACT INDUSTRIAL.

A. District Description and Purpose.

This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the

location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the M-3, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause.

The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Mount Pleasant will be affected.

B. Site Location Criteria.

34. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
35. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
36. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
37. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
38. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
39. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
40. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for Mount Pleasant.

8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
23. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

C. Administrative Procedure.

The provisions of this section shall govern all applications for rezoning to the M-3 Special Impact Industrial District.

1. Preliminary Review.

All applications for rezoning to the M-3, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Building Inspector in accordance with the provisions of this section. All applications for rezonings shall be accompanied by:

- a. Preliminary Development Plan to Include the Following Information:
 - (3) Letter from the owner detailing the proposed zoning change.
 - (4) Location map of the proposed site, including size of the property.
 - (5) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
 - (6) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
 - (7) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Mount Pleasant Major Road Plan.

- (6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
 - (8) A tabulation of the land areas to be devoted to all uses and activities.
 - (9) Ability of the site to be able to meet the Site Location Criteria in Subsection B, above, along with the General Requirements, in Subsection H, and the Requirements for Specific Uses, in Subsection 1, below, for the proposed use of the property.
- b. Operational Data to Include the Following Information:
- (10) Type of operation and detailed description of the operation.
 - (11) Average number of vehicles entering and leaving site on a daily basis and the routes taken.
 - (12) Types of Federal and State permits required for operation of the proposed facility.
 - (13) Safety measures to be used on site as well as the system for dealing with complaints.
 - (14) Ultimate use and ownership of the site after completion of operation. (Landfills only.)
- c. Environmental Assessments to Include the Following Information:
- (15) Geological data on the site as prepared by a Tennessee licensed geologist.
 - (16) Effects of the proposed use on ground water quality in the area.

- (3) Effects of the proposed use on air quality in the area.
- (17) Potential danger to any surface water or water supply.

3. Zoning Amendment.

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the City Commission whether the proposed used should be rezoned to the M-3, Special Impact Industrial District. If the City Commission approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

41. Final Development Plan Review.

After approval of the rezoning by the City Commission, the landowner may make application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan Shall Include the Following:

- (18) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (19) Site plan to be at a scale of one inch equals two hundred feet (1"=200').
- (20) Contours at vertical intervals of not more than two (2) feet where the proposed development

has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).

- (4) Stages of development of the site and the expected time of completion.
- (21) Copies of all required Federal and State permits the applicant has obtained.
- (22) Final site plan shall be in compliance with Subsection H, I, and J, below for the proposed use of the property.

b. Site and Geological Data.

- (23) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.
- (24) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- (25) Ground water movements and aquifer information.
- (26) Existing vegetation cover on the site.
- (27) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted.

In the M-3, Special Impact Industrial District, the following uses are permitted:

1. Special Impact Facilities.

Arsenals

Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Hazardous Wastes
Radioactive Wastes
Solid Waste Landfills
Solid Waste Processing and Recycling
Waste Incinerators, Including Hospital and Medical Waste

E. Accessory Uses and Structures.

42. Signs in compliance with the regulations set forth in section 4.080.
43. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
44. Accessory off-street parking and loading facilities as required in section 4.070.

F. Uses Permitted as Special Exceptions.

There are no uses permitted as special exceptions in the M-3, Special Impact Industrial District.

G. Uses Prohibited.

In the M-3, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

H. General Requirements Applicable to All Uses.

45. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
46. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undistributed existing surfaces.

5. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
47. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
48. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
49. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
50. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
51. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
52. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
53. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.

11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Health and Environment.

I. Requirements for Specific Uses.

1. Requirements for Incinerators and Atomic Reactors.

- pp. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- qq. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- rr. All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- ss. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.
- tt. All separation or picking of waste materials shall be conducted in an enclosed building only.
- uu. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

2. Requirements for the Maintenance or Storage of Explosives, Munitions or Fireworks.

- vv. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
- ww. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- xx. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

3. Requirements for Solid Waste Landfills.

- yy. All areas used for filling operations shall maintain the minimum setback as required by this section.
- zz. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- aaa. All separation or picking of waste materials shall be conducted in enclosed building only.
- bbb. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
- ccc. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

4. Requirements for Hazardous and Radioactive Wastes.

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure

used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.

- c. All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
- ddd. All areas used for filling operations shall maintain the minimum setback as required by this section.
- eee. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

J. Dimensional Requirements.

All uses permitted in the M-3, Special Impact Industrial District, shall comply with the following requirements:

54. Minimum Lot Size.

Minimum Lot Area	10 acres
Lot Width at Building Setback	500 ft.

55. Minimum Yard Requirements.

Front Yard Setback	150 ft.
Side Yard Setback	100 ft.
except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred fifty (150) feet.	
Rear Yard Setback	100 ft.
except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that rear yard shall be one hundred fifty (150) feet.	

3. Maximum Lot Coverage.

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of the total area.

4. Height Requirements.

No principal structure shall exceed forty (40) feet in height, except as provided in section 10.300.

5. Parking Space Requirements.

As regulated in, section 4.700.

6. Accessory Structures.

fff. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

ggg. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

7. Peripheral Buffer Zone Requirements.

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and

walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

K. Performance Bond Required.

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Building Inspector shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements. (Ord. #2007-868(A), May 2007)

ARTICLE IX

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION

9.100 Statutory Authorization, Findings of Fact, Purpose and Objectives

9.200 Definitions

9.300 General Provisions

9.400 Administration

9.500 Provisions for Flood Hazard Reduction

9.600 Variance Procedures

9.700 Legal Status Provisions

9.100 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

9.101 Statutory Authorization.

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

9.102 Findings of Fact.

9.102.1 The Mount Pleasant City Commission wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-1-04 edition).

9.102.2 Areas of Mount Pleasant 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.

9.102.3 These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which

are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

9.103 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:

- 9.103.1 Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- 9.103.2 Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- 9.103.3 Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
- 9.103.4 Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- 9.103.5 Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

9.104 Objectives.

The objectives of this ordinance are:

- 9.104.1 To protect human life, health and property;
- 9.104.2 To minimize expenditure of public funds for costly flood control projects;
- 9.104.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 9.104.4 To minimize prolonged business interruptions;

- 9.104.5 To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
- 9.104.6 To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
- 9.104.7 To ensure that potential home buyers are notified that property is in a floodable area; and
- 9.104.8 To establish eligibility for participation in the National Flood Insurance Program. (Ord. #2006-867, Jan. 2007)

9.200 DEFINITIONS.

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

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

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

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

"Addition (to and 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 firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction."

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

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

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

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent (1%) 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" 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, excavating, drilling operations, or permanent storage of equipment or materials.

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

"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 landmasses. 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" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

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

"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:

61. The overflow of inland or tidal waters;
62. 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 (1%) 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) 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 areas of special flood hazard have been designated as Zone A.

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

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and 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 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 a designated height.

"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, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

63. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
64. 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;
65. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
66. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - hhh. By an approved state program as determined by the Secretary of the Interior; or
 - iii. Directly by the Secretary of the Interior.

"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 a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so

as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle," unless such transportable structures are placed on a site for one hundred eighty (180) consecutive days or longer.

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

"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 elevation within the floodplain. For the 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" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and 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 after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

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

"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:

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

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

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

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

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

does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordination Agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the 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 fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. 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. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

For the purpose of this 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 building. 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 pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (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 fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

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

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #2006-867, Jan. 2007)

9.300 GENERAL PROVISIONS.

9.301 Application.

This ordinance shall apply to all areas within the incorporated area of Mount Pleasant, Tennessee.

9.302 Basis for Establishing the Areas of Special Flood Hazard.

The Areas of Special Flood Hazard identified on the Mount Pleasant, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47119C0270E, 47119C0255E, 47119C0260E, 47119C0265E, all dated April 16, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

9.303 Requirement for Development Permit.

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

9.304 Compliance.

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

9.305 Abrogation and Greater Restrictions.

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

9.306 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 Tennessee statutes.

9.307 Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Mount Pleasant, 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.

9.308 Penalties for Violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a 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 Mount Pleasant, Tennessee from taking such other lawful actions to prevent or remedy any violations. (Ord. #2006-867, Jan. 2007)

9.400 ADMINISTRATION.

9.401 Designation of Ordinance Administrator.

The building inspector is hereby appointed as the Administrator to implement the provisions of this ordinance.

9.402 Permit Procedures.

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

9.402.1 Application Stage.

- jjj. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this ordinance.
- kkk. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this ordinance.
- lll. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Article IV, Section B.
- mmm. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

9.402.2 Construction Stage.

Within unnumbered A zones, where flood elevation data are not available, the Administrator 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 relative to the highest adjacent grades.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a nonresidential 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 Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

9.403 Duties and Responsibilities of the Administrator.

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

- 9.403.1 Review of all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- 9.403.2 Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- 9.403.3 Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of

such notification to the Federal Emergency Management Agency.

- 9.403.4 For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- 9.403.5 Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article IV, Section B.
- 9.403.6 Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Article IV, Section B.
- 9.403.7 When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article IV, Section B.
- 9.403.8 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 Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.
- 9.403.9 When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this ordinance.

Within unnumbered A zones where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV, Section B.

9.403.10 All records pertaining to the provisions of this ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #2006-867, Jan. 2007)

9.500 PROVISIONS FOR FLOOD HAZARD REDUCTION.

9.501 General Standards.

In all flood prone areas the following provisions are required:

- 9.501.1 New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- 9.501.2 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;
- 9.501.3 New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
- 9.501.4 New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
- 9.501.5 All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be

designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- 9.501.6 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 9.501.7 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;
- 9.501.8 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- 9.501.9 Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and
- 9.501.10 Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

9.502 Specific Standards.

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

9.502.1 Residential Construction.

Where base flood elevation data is available, 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 equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Article V, Section B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV, Section B.

9.502.2 Non-Residential Construction.

New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV, Section B.

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 design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

9.502.3 Elevated Building.

All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, 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 (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above the finish 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 elevated 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 V, Section B of this ordinance.

9.502.4 Standards for Manufacture Homes and Recreational Vehicles.

- nnn. All manufactured homes placed or substantially improved, on: (1) individual lots or parcels; (2) in expansions to existing manufactured home parks or subdivisions; or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- ooo. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - i. When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or

- ii. Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- f. Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Article V, Section B.4 of this ordinance.
- ppp. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- qqq. All recreational vehicles placed on identified flood hazard sites must either:
 - iv. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - v. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - vi. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days. (Ord. #2006-867, Jan. 2007)

9.503 Standards for Subdivisions.

Subdivisions and other proposed new developments, including manufactured home parks, 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:

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

9.503.2 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.

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

9.503.4 Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area. (Ord. #2006-867, Jan. 2007)

9.504 Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated.

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

9.504.1 Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

9.504.2 New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V. (Ord. #2006-867, Jan. 2007)

9.505 Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated.

Located within the Areas of Special Flood Hazard established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

9.505.1 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.

9.505.2 New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article V, Section B. (Ord. #2006-867, Jan. 2007)

9.506 Standards for Streams without Establishment Base Flood Elevations or Floodways (A Zones).

Located within the Areas of Special Flood Hazard established in Article III, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

9.506.1 When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V. ONLY if data is not available from these sources, then the following provisions (2 and 3) shall apply:

9.506.2 No encroachments, including structures or fill material, shall be located within an area equal to the width of the

stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by 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.

- 9.506.3 In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article V, Section B, and "Elevated Buildings." (Ord. #2006-867, Jan. 2007)

9.507 Standards For Areas of Shallow Flooding (AO and AH Zones).

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

- 9.507.1 All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article V, Section B, and "Elevated Buildings."
- 9.507.2 All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of

elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1) foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Article IV, Section B.

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

9.507.4 The administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file. (Ord. #2006-867, Jan. 2007)

9.508 Standards For Areas Protected by Flood Protection System (A-99 Zones).

Located within the areas of special flood hazard established in Article III, are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article IV, and Article V, section A, shall apply. (Ord. #2006-867, Jan. 2007)

9.509 Standards for Unmapped Streams.

Located within Mount Pleasant, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

9.509.1 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, measured from the top of each stream bank,

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 locality.

9.509.2 When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV. (Ord. #2006-867, Jan. 2007)

9.600 VARIANCE PROCEDURES.

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Mount Pleasant, Tennessee.

9.601 Board of Zoning Appeals.

9.601.1 The Mount Pleasant Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

9.601.2 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.

9.601.3 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:

rrr. The danger that materials may be swept onto other property to the injury of others;

sss. The danger to life and property due to flooding or erosion;

ttt. 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;
- uuu. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- vvv. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- www. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- xxx. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- yyy. 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
- zzz. 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.

9.601.4 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.

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

9.602 Conditions for Variances.

9.602.1 Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief

necessary so as not to destroy the historic character and design of the building.

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

9.602.3 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.

9.602.4 The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #2006-867, Jan. 2007)

9.700 LEGAL STATUS PROVISIONS.

9.701 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 Mount Pleasant, Tennessee, the most restrictive shall in all cases apply.

9.702 Validity.

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #2006-867, Jan. 2007)

ARTICLE X

EXCEPTIONS AND MODIFICATIONS

SECTION

- 10.100 Lot of Record
 10.200 Front Yards
 10.300 Exception to Height Limitations

10.100 LOT OF RECORD.

10.101.1 Where the owner of a lot consisting of one (1) 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 municipal board of zoning appeals for a variance from the terms of this ordinance, in accordance with Article XII, Section 403. Such lots may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the municipal board of zoning appeals is possible.

10.101.2 Lots-of-Record Under Separate Ownership.

Where a lot has less area than the minimum requirements for the district within which the lot is located and has continuously been a lot of record, in separate ownership from adjacent property, prior to and since the passage of the ordinance, the lot may be used only for single-family dwelling purposes or for any non-dwelling purpose permitted in the district in which it is located. The Board of Zoning Appeals shall determine whether or not the lot in question was a lot-of-record on the effective date of the ordinance.

10.101.3 Lots-of-Record With Continuous Frontage.

Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership such lots shall be combined to form one (1) or more building sites meeting the

minimum zone lot requirements of the district in which they are located.

10.101.4 Reduction in Lot Area Prohibited.

No zone lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

10.101.5 No lot shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance; and no yard, court, or open space provided around any building for the purpose of complying with these provisions shall again be considered as a yard, court, or other open space for another building.

10.200 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 two hundred (200) feet of each side of such lot and within the same block and zoning district and fronting on the same streets as such lot is less than the minimum required front yard depth. In such case the minimum front yard shall be the average of the existing front yard depths on the developed lots.

10.300 EXCEPTION ON HEIGHT LIMITATIONS.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, silos, smoke stacks, derricks, conveyors, flag poles, radio towers, masts, aerials, and the like.

ARTICLE XI

ENFORCEMENT

SECTION

- 11.100 Enforcing Officer
- 11.200 Building Permit
- 11.300 Issuance of Certificate of Occupancy
- 11.400 Records
- 11.500 Penalties
- 11.600 Remedies

11.100 ENFORCING OFFICER.

The provisions of this ordinance shall be administered and enforced by a building inspector appointed by the Mount Pleasant City Manager and approved by the Mount Pleasant City Commission, and he shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

11.200 BUILDING PERMIT.11.201 Building Permit Required.

It shall be unlawful to commence 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. Failure to possess a building permit is prima facie evidence of violation of this zoning ordinance.

11.202 Issuance of a Building Permit.

In applying to the building inspector for a building permit the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, and location of all buildings to be erected, altered, or moved and of any buildings already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the

application are in conformity with the provisions of this ordinance and other ordinances of the City of Mount Pleasant then in force, the building inspector shall issue a building permit for such excavation and/or construction. If a building permit is refused the building inspector shall state such refusal in writing with the cause.

11.202.1 The issuance of a building permit shall in no cause be construed as waiving any provision of this ordinance.

11.202.2A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

11.300 ISSUANCE OF CERTIFICATE OF OCCUPANCY.

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.

Within three (3) days after notification that a building or premise or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this ordinance; or, if such certificate is refused, the building inspector shall state refusal in writing with the cause.

11.400 RECORDS.

A complete record of such applications, sketches, and plans shall be maintained in the office of the building inspector, based in whole or in part upon the provisions of this ordinance.

11.500 PENALTIES.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense; payment of fine shall not constitute compliance.

11.600 REMEDIES.

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violations, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land.

ARTICLE XII

BOARD OF ZONING APPEALS

SECTION

- 12.100 Creation and Appointment
- 12.200 Procedure
- 12.300 Appeals, How Taken
- 12.400 Powers.

12.100 CREATION AND APPOINTMENT.

A Mount Pleasant Municipal Board of Zoning Appeals is hereby established in accordance with Tennessee Code Annotated, §§ 13-7-205, 13-7-206, and 13-7-207. The municipal board of zoning appeals shall consist of five (5) members, at least one (1) of whom shall be a member of the Mount Pleasant Regional Planning Commission. They shall be appointed by the Mayor of Mount Pleasant and confirmed by a majority vote of the Mount Pleasant City Commission. The term of membership shall be three (3) years except that the initial individual appointments to the board shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer with confirmation by the Mount Pleasant City Commission.

12.200 PROCEDURE.

Meetings of the Mount Pleasant Municipal Board of Zoning Appeals (hereafter referred to as the board) 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 keep minutes of its proceedings, showing the vote of each member upon each question; or if absent, or failing to vote, the board shall explain its actions. The minutes shall be immediately filed in the office of the board and shall be a public record.

12.300 APPEALS, HOW TAKEN.

An appeal to the board may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, other board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be

taken by filing with the board a notice of appeal, specifying the grounds thereof.

The building inspector shall transmit to the board all papers constituting the record upon which the action appeal was taken. The board shall fix a reasonable time for the hearing of the appeal; give proper notice of a public hearing before the board by publishing such notice in a newspaper of general circulation in the City of Mount Pleasant, Tennessee, at least ten (10) days prior to the date set for the public hearing; provide written notice to the parties of interest, mailed five (5) days prior to the date set for the hearing; and decide same within a reasonable time. At the hearing, any person or party may appear and be heard in person, by agent, or by attorney.

12.400 POWERS.

The board shall have the following powers and duties:

12.401 Administrative Review.

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, implication, determination, or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance; and to interpret the zoning map and ordinance.

12.402 Special Exceptions.

To hear and decide applications for special exceptions upon which the board is specifically authorized to pass.

12.403 Variances.

To hear and decide applications for variances from the terms of this ordinance, but shall grant variances only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of adoption of this ordinance was a lot of record, or where by reason of exceptional topographic situations or conditions of a piece of property the strict application of the provisions of this ordinance would result in practical difficulties to or undue hardship upon the owner of such property; provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this ordinance.

- 12.403.1 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.
- 12.403.2 Before any variance is granted, it shall be shown that special circumstances attached to the property do not generally apply to other properties in the neighborhood.

ARTICLE XIII

AMENDMENTS

SECTION

- 13.100 Introduction of Amendments
- 13.200 Review by Planning Commission
- 13.300 Notice of Public Hearing
- 13.400 Fee

13.100 INTRODUCTION OF AMENDMENTS.

The Mount Pleasant City Commission (hereafter referred to as the City Commission) 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.

13.200 REVIEW BY PLANNING COMMISSION.

No amendment shall become effective unless it is first submitted for approval, disapproval, or suggestions to the Mount Pleasant Regional Planning Commission. If the planning commission within sixty (60) days of such submission disapproves the amendment, it shall require the favorable vote of a majority of the entire membership of the city council to become effective. Failure of the planning commission to either approve or disapprove the amendment within ninety (90) days of its submission shall be deemed approval.

13.300 NOTICE OF PUBLIC HEARING.

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 a public hearing by the city commission on the requested change. Said notice shall be published one (1) time in a newspaper of general circulation in the City of Mount Pleasant, Tennessee. Said hearing by the city commission shall take place not sooner than fifteen (15) days after the publication of such notice.

At the time and place signified in the above notice, the city commission shall meet; and all persons affected by such amendment or change may

appear in person, by agent, or by attorney to petition against the making of such amendment.

13.400 FEE.

A fee of fifteen dollars (\$15.00) due and payable at the time of filing of petition shall be posted with request to amend the zoning ordinance; said fee to be used by the City of Mount Pleasant to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

ARTICLE XIV

LEGAL STATUS PROVISIONS

SECTION

14.100 Conflict with Other Ordinances

14.200 Validity

14.300 Repeal

14.400 Effective Date

14.100 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 Mount Pleasant, the most restrictive provision shall in all cases apply.

14.200 VALIDITY.

If any section, clause, provision, or portion of this ordinance is 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.

14.300 REPEAL.

Any other existing zoning regulations as amended are hereby repealed. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

14.400 EFFECTIVE DATE.

This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it. (Ord. #81-641, June 1981, as amended by Ord. #84-655, Feb. 1984)

CHAPTER 3**AIRPORT ZONING****SECTION**

14-301. Land use within airspace zones to be governed by airport zoning ordinance.

14-301. Land use within airspace zones to be governed by airport zoning ordinance. Land use within airspace zones in the vicinity of the Maury County Airport shall be governed by Ord. #81-644 titled "Airspace and Height Restrictions Zoning Ordinance of Maury county," and any amendments and/or successors thereto.¹

¹Ord. #81-644 is published as a separate document. Both the ordinance and any amendments and/or successors thereto are of record in the office of the city recorder.