

CHAPTER I

TIPTONVILLE MUNICIPAL-REGIONAL PLANNING COMMISSION

SECTION

- 11-101 Creation and membership
- 11-102 Organization, rules, staff, and finances
- 11-103 Powers and duties

11-101 Creation and Membership. Pursuant to the provisions of Section 13-3-102, Tennessee Code Annotated, there is hereby created a municipal-regional planning commission. The planning commission shall consist of not less than five (5) members and not more than ten (10) members ; one (1) of these shall be the Mayor and one (1) of the members shall be a member of the Board of Aldermen. All other members shall be appointed by the Mayor. All members of the planning commission shall serve as such without compensation. The terms of appointive members shall be of such length as may be specified by the Board of Mayor and Aldermen, provided however, that they shall be so arranged that the term of one (1) member will expire each year. The terms of the Mayor and the member selected from the Board of Aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor and he shall have power to remove any appointive member at his pleasure.

11-102. Organization, Rules, Staff and Finance. The planning commission shall elect its chairman from its appointive members. The term of chairman shall be one (1) year with eligibility for re-election. The commission shall adopt rules for the transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contact with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriate for the purpose by the Board of Mayor and Aldermen.

11-103. Powers and Duties. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Title 13 of the Tennessee Code Annotated.

CHAPTER 2

GENERAL ZONING PROVISIONS

SECTION

- 11-201 Title
- 11-202 Repeal
- 11-203 Legislative enactment
- 11-204 Intent and purpose
- 11-205 Definitions
- 11-206 Legal status provisions
- 11-207 Exceptions and modifications
- 11-208 General provisions for all districts

11-201. Title. This ordinance shall be known as the "Zoning Ordinance of the City of Tiptonville, Tennessee". The Map herein referred to, which is identified by the title "Zoning Map of Tiptonville, Tennessee", which is on file in the Tiptonville City Hall is hereby adopted and made a part of this ordinance.

11-202. Repeal. The existing zoning regulations of the City of Tiptonville, as amended, are hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of an action to abate any existing violation of said existing regulations, as amended, if the violation is also a violation of this Ordinance.

11-203. Legislative Enactment

WHEREAS, Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowers the city to enact a zoning ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS, the Board of Mayor and Aldermen deems its necessary, for the purpose of promoting the health, safety, morals or general welfare for the city to enact such an Ordinance, and

WHEREAS, the Board of Mayor and Aldermen, pursuant to the provisions of Section 13-4-101 of the Tennessee Code Annotated, has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote the health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration among other things, to the character of the districts and their peculiar suitability of particular uses, with a view of conserving the value of buildings and encouraging the most appropriate uses for the land throughout the municipality, and

WHEREAS, the Board of Mayor and Aldermen has given due public notice of hearings related to zoning districts, regulations and restrictions, and has held public hearings, and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with regard to the preparation of the report of the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF TIPTONVILLE, TENNESSEE.

11-204 Intent and Purpose.

This Ordinance is enacted pursuant to Title 13 of the Tennessee Code Annotated for the following purposes:

- (a) To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
- (b) To divide the city into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures and land for residence, business, commercial, manufacturing and other specified uses;
- (c) To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the city, and to promote the orderly and beneficial development of such areas;
- (d) To provide adequate light air, privacy, and convenience of access to property;
- (e) To regulate the intensity of open spaces surrounding buildings that is necessary to provide adequate light and air and protect the public health;
- (f) To establish building lines and location of buildings designed for residential, business, commercial, manufacturing or other uses within such lines;
- (g) To fix reasonable standards to which buildings or structures shall conform;
- (h) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- (i) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- (j) To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking and motor vehicles and for the loading and unloading of commercial vehicles;
- (k) To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;

- (l) To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to land surrounding them;
- (m) To conserve the taxable value of land and buildings throughout the city;
- (n) To provide for the gradual elimination of those uses of land, buildings and structures, and of those buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- (o) To provide for the condemnation of such nonconforming buildings and structures and of land as the Board of Mayor and Aldermen shall determine is necessary or appropriate for the rehabilitation of the area blighted by such buildings or structures;
- (p) To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- (q) To prevent construction in areas designated as flood hazard areas unless suitably protected.

11-205 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

A. Rules for Construction of Language

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

- (1) The particular shall control the general
- (2) The word "shall" is always mandatory and not discretionary.
- (3) The word "may" is permissive.
- (4) The word "lot" shall include the words "piece" or "parcel".
- (5) The word "building" or "structure" includes all other structures, or parts there of, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintain for", and "occupied for".
- (6) In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control.
- (7) The word "permitted" or words "permitted as of right", means permitted without meeting the requirements for a conditional use by special permit pursuant to Chapter 9 of this Ordinance, and all other applicable provisions.
- (8) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

- (9) All public officials, bodies and agencies to which reference is made are those of the City of Tiptonville, Tennessee.

B. Definitions

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

Abandoned Sign - A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

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

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

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

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

A. Adult Entertainment Establishments

1. Adult Arcade means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
2. Adult Bookstore means an establishment which has as any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
 - (a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the depiction or description of "specified sexual activities" or "specified anatomical areas; or

- (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
3. Adult Cabaret means a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 4. Adult Motel means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 5. Adult Motion Picture Theater means a establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 6. Adult Theater means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
 7. Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
 8. Sexual encounter establishment means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

B. Specified Anatomical Areas means any of the following:

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

C. Specified Sexual Activities means any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in “1” through “6” above.

Animated Sign - A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Antenna Array – Poles, rods, panels, reflecting dishes, or similar devices used for the transmission or reception of radio frequency signals.

Architectural Projection - Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. Se also, “Awning”; “Back-lit awning”; and “Canopy, attached and freestanding.”

Awning - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering or rigid or non-rigid materials and / or fabric on a supporting framework that may be either permanent or retractable, including such structures that are illuminated by fluorescent or other light sources.

Awning Sign - A sign displayed on or attached flat against the surface of surfaces of an awning. See also, "Wall" or Fascia sign."

Back-lit Awning - An awning with a translucent covering material and a source of illumination contained within its framework.

Banner - A flexible substrate on which copy or graphics may be displayed.

Banner Sign - A sign utilizing a banner as its display surface.

Base Flood - See one-hundred year flood.

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

Bed and Breakfast Homestay - An incidental and subordinate use of a private, owner-occupied dwelling unit, operated solely by the permanent residents of such dwelling unit, said use being a part-time for pay operation providing accommodations and at least one meal per day to guests for a period of time not to exceed ten consecutive days per guest per month, and said use limited to no more than three guest sleeping rooms.

Billboard - See "Off-premise sign" and "Outdoor advertising sign."

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

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

Building Elevation - The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

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

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

- (a) The size (including height and floor area) of buildings or other structures,

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

Canopy (attached) - A multi-sided overhead structure or architectural projection supported by attachments to a building one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and / or soffit of an attached canopy may be illuminated by means of internal or external sources of light.

Canopy (freestanding) - A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Canopy Sign - A sign affixed to the visible surface(s) of an attached or freestanding canopy.

Cellar - (See Basement)

Changeable Sign - A sign with the capability of content change by means of manual or remote input, including signs which are:

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

Electrically activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

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

Combination Sign - A sign that is supported partly by a pole and partly by a building structure.

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

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

be permitted in such zoning division or district as conditional uses, if specific provisions for such use is made in this Ordinance.

Copy - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

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

Development Complex Sign - A freestanding sign identifying a multiple -occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.

Directional Sign - Any sign that is designed and erected for the purpose of providing direction and / or orientation for pedestrian or vehicular traffic.

Double-faced Sign - A sign with two faces, back to back.

Dwelling, Attached - A building containing not more than two dwelling units, attached at the side or sides in a series of three or more principal buildings, each containing not more than two dwellings units. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another. Such buildings shall each have a separate lot with dimensions meeting regulations for the district, or be so located on land in the same ownership that individual lots meeting district requirements could be provided, in those required for provisions of separate lots. The term attached dwelling is intended to apply to townhouses, patio or atrium houses, or any form however termed which conforms to this definition.

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

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

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

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

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

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

Dwelling Unit - A room or rooms connected together, constituting a separate independent housekeeping establishment for one-occupancy on a weekly or longer basis, physically separated from any other room or dwelling units, and containing independent cooking and sleeping facilities.

Electrically activated - Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/ or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

(1) Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

(2) Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form constant motion.

Electronic Message Sign or Center - An electrically activated changeable sign whose variable message capability can be electronically programmed.

Environmentally activated - Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and / or other devices or displays that respond to naturally occurring external motivation.

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

Exterior Sign - Any sign placed outside a building.

Family -One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over five persons.

Fascia Sign - See “Wall sign.”

Flashing Sign - See “Animated Sign, electrically activated.”

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

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

Flood Fringe - See Floodway Fringe Area.

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

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

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

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

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

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

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

Flood, Regulatory - The computed 100-year flood.

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

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

- (a) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto required in this Ordinance.

- (b) In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.

Freestanding Sign - A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

Frontage (Building) - The length of an exterior building wall or structure of a single premise along either a public way or other properties on which it borders.

Ground Sign - See “Freestanding sign.”

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

- (a) No one other than members of the family residing on the premises shall be engaged in such occupation;
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- (d) No home occupation shall be conducted in any accessory building;
- (e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;
- (f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.

Illumination Sign - A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

Incidental Alterations

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

- (4) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits; or
- (b) Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
 - (1) Making windows or doors in exterior walls;
 - (2) Replacement of building facades having non-load-bearing capacity;
 - (3) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

Incidental Sign - A sign, generally informational, that has a secondary purpose to the use of the zone lot which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Interior Sign - Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

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

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

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

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

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

Lot Area - The entire area of a lot.

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

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

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

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

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

Lot Measurements

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

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

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

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

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

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

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

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

Mansard - An inclined decorative roof-like projection that is attached to an exterior building façade.

Manufactured Home (for flood plain management proposes) - Means a structure, transportable in one or more sections, which is built on a permanent foundation when connected to the required

utilities. The term manufactured home as referenced also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

Marquee - See “Canopy (attached).”

Marquee Sign - See “Canopy sign.”

Mechanically activated - Animated signs characterized by repetitive motion and / or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Menu Board - A freestanding sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for sign utilized for business identification.

Mobile Homes - See Dwelling, Mobile Homes.

Mobile Home Park - An area where two (2) or more mobile homes or trailers can be and are intended to be parked, designed or intended to be used as temporary or permanent living facilities for two or more families.

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

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

Multi-faced Sign - A sign containing three or more faces.

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

Non-complying -

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

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

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

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

Nursery: Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than 24 hour periods as provided in Tennessee Code Annotated, Section 14-1-101 through 14-10-105 as well as all pertinent rules regulations, and standards of the Tennessee Department of Human Services.

Nursery School: A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types.

(1) Family Day Care Home: A home operated by any person who receives pay for providing less than 24 hour supervision and care, without transfer of custody, for 5, 6, or 7 children under 17 years of age, who are not residents of the household. A license is not required for a house providing care for fewer than 5 children.

(2) Group Day Care Home: Any place operated by a person, social agency, corporation, institution, or other group which receives 8 to 12 children under 17 years of age, for less than 24 hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than 12 children.

(3) Day Care Center: A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than 12 children.

Off-Premise Sign - See “Outdoor advertising sign.”

On-Premise Sign - A sign erected, maintained or used in the outdoor environment for the purpose of the display, of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

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

Outdoor Advertising Sign - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property in which it is displayed. (Billboards)

Parapet - The extension of a building facade above the line of the structural roof.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move the wind.

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

Pole Sign - See “Freestanding sign.”

Political Sign - A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

Portable Sign - A sign not permanently attached to the ground or to a building or building surface.

Profession (Professional Office) - The term profession, as used in this Ordinance, is limited in its application to physicians and surgeons, lawyers, members of the clergy, architects, and engineers, or other persons holding advanced degrees from institutions of higher learning in the field in which they practice. In permitting professional offices as home occupations, and only as accessory uses in certain districts, it is intended that such offices shall be subject to limitations placed on home occupations generally, but that only offices occupied by persons engaged in professions, as herein defined, shall be permitted.

Projecting Sign - A sign other than a wall sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

Real Estate Sign - a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

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

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

- (a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- (b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
- (c) Nurses' residences, sanitariums, nursing homes, convalescent homes, resthomes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- (d) In a mixed building, that part of the building used for any non-residential uses, except uses accessory to residential uses.

Residential Sign - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Ordinance.

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

Revolving Sign - A sign that revolves 360 degrees about an axis. See also, "animated sign, mechanically activated."

Roof Line - The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Roof Sign - A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

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

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

Sign - Any device visible from a public place that displays either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags displayed from flagpoles or staffs will not be considered to be signs.

Sign Area - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

Sign Copy - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

Sign Face - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

- (1.1) In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- (1.2) In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
- (1.3) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closet to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

- (1.4) In the case of sign enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Sign Structure - Any structure supporting a sign.

Start of Construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwellings units or not part of the main structure.

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

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

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

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

Street Frontage - The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

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

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

Substantial Improvement - means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during (the life of a structure) (a _____ () year period), in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure

prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. for the purposes of the definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Telecommunications Structure – A building, tower, or other structure and equipment used for the transmission, re-transmission, broadcast, or promulgation of telephone, telegraph, radio, television, or other communications signals. (See Code 47 in the Standard Land Use Coding Manual)

Temporary Sign - A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

Townhouse - A building consisting of a series of three (3) or more non-communicating one-family dwelling sections with separate entrance on ground level to each unit, and having a common fire wall between each two (2) adjacent sections.

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

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

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

Under Canopy Sign or Under Marquee Sign - A sign attached to the underside of a canopy or marquee.

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

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

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

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

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

V-Sign - Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

Wall Sign - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy of the area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

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

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

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

Yard, Rear - The yard extending across the entire width of the lot between the rear lot line and the nearest point of the principal building including covered porches.

Yard, Junk - Commercial establishment used for the storage, sale and trade of scrap materials.

11-206 LEGAL STATUS PROVISIONS

A. Interpretation

In their interpretation and application, the provisions of the ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

B. Relationship to Other Laws and Private Restrictions

- (1) Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other law, resolution, ordinance, rule or regulation of any kind, the regulations which are more restrictive shall apply.
- (2) This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

C. Ordinance Provisions Do Not Constitute Permit

Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct, license or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.

D. Provisions are Cumulative

The provisions of this ordinance are cumulative with additional limitations imposed by all other laws and ordinances, heretofore, passed or which may be passed hereafter, governing any subject matter appearing in this ordinance.

E. Seperability

It is hereby declared to the intention of the Board of Mayor and Aldermen of the City of Tiptonville, Tennessee that the several provisions of this ordinance are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provisions to any other property building or structure not specifically included in said judgment.

F. Application of Regulation

No building or other structure shall be constructed, erected, placed or maintained and no land use commenced with the City except as specifically or by necessary implication, authorized by the Ordinance. Conditional uses are allowed only on permit granted by the Board of Zoning Appeals. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

G. Scope of Regulations

(1) New Uses, Lots, Buildings or Other Structures

Upon the effective date of this Ordinance any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the use, bulk, and all other applicable provisions of this ordinance.

(2) Existing Uses, Lots, Buildings, or Other Structures

(a) Any existing use legally established prior to the effective date of this Ordinance which does not comply with its provisions shall be subject to nonconforming use provisions in Chapter 2, Section 11-209 of this Ordinance.

(b) Any existing lot, parcel, building, or other structure legally established prior to the effective date of this Ordinance which does not comply with

its provisions, other than use provisions, shall be subject to the nonconforming use regulations in Chapter 2, Section 11-209 of this Ordinance.

11-207 EXCEPTIONS AND MODIFICATIONS

A. 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 three hundred (300) feet on each side of such lot, is less than the minimum required front yard depth. In such cases, the depth of the front yard on such lot may be less than required front yard, but not less than the average of the existing front yard depth on the developed lots. In residential districts, however, the front yard shall in no case be less than fifteen (15) feet in depth.

B. Lot of Record

Where the owner or subsequent owner of a lot of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the ordinance in accordance with Section 11-903 of this code. Such lot may be used as a building site, provided however that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

C. Adjoining Substandard Lots of Records

Where two (2) or more substandard lots of record with a continuous frontage are under the same ownership, such lots shall be combined to form on (1) or more building sites meeting the minimum requirements of the district in which they are located.

D. Exception on Height Limits

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials, provided other district requirements are met.

11-208 GENERAL PROVISIONS FOR ALL DISTRICTS

A. General District Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class of kind of structure of land, and particularly, except as hereinafter provided:

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

- (2) No building or other structure shall hereafter be erected or altered:
 - (a) to exceed the height or bulk;
 - (b) to accommodate or house a greater number of families;
 - (c) to occupy a greater percentage of lot area, where applicable;
 - (d) to have narrower or smaller rear yards, front yards, side yards or other open space; than herein required; or in any other manner contrary to the provisions of this Ordinance.
- (3) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading spaces similarly required for any other building.
- (4) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

B. Zoning Affects Every Building and Use

No building or land shall hereafter be used and no building or part there of shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter stated.

C. Obstruction to Vision at Street Intersection Prohibited

On a corner lot not in a B-2 (Central Business District), within the area formed by the center lines of the intersecting or intercepting streets and a line adjoining points on such center lines at a distance of seventy (70) feet from their intersections there shall be no obstruction to vision between a height of two and one half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

D. Fences, Walls, and Hedges

Fences, walls and hedges may be permitted in any required yard or along the edge of any yard except as prohibited in Subsection 11-205 (C) above.

E. Accessory Buildings

No accessory activity, use, building, or structure shall be erected in any front yard or rezoned side yard, and no separate accessory activity, use, building, or structure shall be erected within five (5) feet of any property line or other building.

F. Minimum Required Yard Area

Regardless of the orientation of buildings, not less than the minimum yards required by the district regulations in which the development is located shall be maintained along the outer boundaries of the lot.

G. Structures to Have Access

Every structure shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

H. Access Control

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

- (1) A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.
- (2) There shall be not more than two (2) points of access to any one (1) public street on a lot less than 400 feet but more than one hundred (100) feet in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
- (3) Point of access to any one (1) public street for lots of more than four hundred (400) feet in width shall be no closer than one hundred (100) feet apart.
- (4) No point of access shall be allowed within twenty-five (25) feet of the right-of-way of any public street intersection.

No point of access shall be allowed within ten (10) feet from the adjoining property.
- (5) Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.
- (6) No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.
- (7) Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals, provided, further that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street (this is no to include private parking for residential property).
- (8) Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Ordinance which ever is higher.

I. Off-Street Loading and Unloading Space

In all business and industrial districts, except a B-2 (Central business District) every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street. Loading space maintained in connection with an existing and continuing main building or structure on the effective date of this ordinance up to the number required by this ordinance shall be continued and not be counted as serving a new structure or addition.

J. Parking, Storage on Use of Major Recreation Equipment

For the purposes of these regulations, major recreational equipment is defined to include boats and boat trailers travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwelling and the like. No major recreational equipment shall be parked or stored in any front yard of any lot in a residential district. However, such equipment may park anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, in any location not approved for such use.

K. Only One Principal Building On Any Lot

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

L. Street Frontage Required

No building shall be erected in any district except the B-2 (Central Business District) on a lot which does not abut at least one public street for at least fifty (50) feet. This shall not be constructed to apply to properties abutting a cul-de-sac type turn-around: a minimum street abutment of twenty-five (25) feet shall apply to cul-de-sac turn-arounds provided, that the minimum lot width requirements if provided at the front yard setback (building) line.

M. Required Yard Cannot Be Used by Another Building

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

N. Rear Yard Abutting a Public Street

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

O. Off-street Automobile Storage

(1) There shall be provided, at the time of the erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by

adding dwelling units, guest rooms, seats or floor area; or before conversion from one zoning use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such space shall be provided with vehicular access to a street or alley. The provisions of this article shall not apply to the B-2 Central Business District.

1. The Off-street parking space required by this article shall be permanent open space and shall not be used for any other purposes.

(a) Required off-street parking spaces assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or Sundays may be assigned to a use which will be closed at nights or on Sundays.

(b) No portion of any street right-of-way shall be considered as fulfilling or particularity fulfilling area requirements of off-street parking required by the terms of this ordinance.

(c) No required parking space may be substituted for a loading space, nor may any required loading space be substituted for a parking space.

2. If automobile storage space or standing space required above cannot reasonably be provided on the same lot on which the principal use is conducted, the building inspector may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall not thereafter be reduced or encroached upon in any manner. If property is to be leased, then a 10 year minimum lease will be required.

3. The number of off-street parking spaces required by this ordinance shall be considered as the absolute minimum and the property owner shall evaluate his own needs to determine if his needs will require more than the specified minimum; such space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth below:

(a) One parking space shall be equal to an area of two hundred (200) square feet, with a minimum dimensions of ten (10) feet by twenty (20) feet. A minimum of four hundred (400) square feet per parking space shall be used when computing parking area to include maneuvering space.

(b) Residential and Related Uses:

Single-family and Multi-family residences	2 spaces for each dwelling unit
Rooming or boarding house	1 space for each two (2) rooms to be rented

Tourist rooms and tourist courts	1 space for each unit to be rented
Hotels	1 space for each unit to be rented
Motels	1 space for each unit
(c) Public and Semi-public Uses:	
Hospital	1 space for each three beds intended for patient use, exclusive of bassinets.
Clinic	10 spaces for each doctor plus 1 space for every employees.
Elementary school and junior high school	1 space for each classroom and administrative office plus one space for each twenty (20) students for which the building was designed.
High School	One space for each classroom and administrative office plus one space for every five (5) students for which the building was designed.
Stadium	1 space for each five (5) spectator seats.
Any theater, auditorium, church, or other place of public assembly; at least one space for each five (5) seats provided in such places of	

assemble. In places where seating is not a measure of capacity, such as funeral parlors, club houses, etc., at least one space for each one hundred (100) square feet of floor space devoted to the particular use.

Public or private clubs	1 space for each one hundred fifty (150) sq. ft. of total floor area.
Public utility building	1 space for each employee
(d) Offices and Retail Uses:	
Banks and office building	1 space for each one hundred fifty (150) sq. ft. of total floor space.
Bus terminals	1 space for each employee, plus 1 space for each two hundred (200) sq. ft. in waiting room.
Filling Stations	1 space for each 100 sq. ft. of store sales floor area.
Retail business uses not listed	1 space for each 200 sq. ft. of store sales area.
(e) Wholesale Uses and Warehouses:	
Wholesale Uses and Warehouses	1 space for each 200 sq. ft. of sales area or 400 sq. ft. of

warehouse
area.

(f) Industrial Uses:

1 space for each 400 sq. ft. of floor area.

P. Future Street Lines

For the purpose of providing adequate space for widening major streets in the future, the minimum required front yard on a lot abutting a major street shall be measured from the proposed right-of-way width shown on the latest Major Street Plan officially adopted and placed on public record by the planning commission.

Q. Zoning of Annexed Territory

All territory which may hereafter be annexed into the City of Tiptonville shall be zoned and classified as a part of that zoning district of the City specified by the Board of Mayor and Aldermen by ordinance at the time of annexation thereof. The planning commission shall make recommendations to the Board of Mayor and Aldermen on proposed zoning for areas in the process of being annexed. The Board, before adopting any ordinance zoning the property, shall first hold a public hearing in accordance with Section 11-1005 of this Ordinance. Upon annexation, the Board of Mayor and Aldermen shall, by separate ordinance zone such annexed territory consistent with the public health, safety, convenience, and welfare of the inhabitants of the City of Tiptonville.

R. Manufactured Homes

- (1) The unit must be installed on a permanent brick, block or stone perimeter and interior foundation system. Manufactured Homes in Flood Hazard areas must comply with the requirements in Chapter 7 of this Ordinance.
- (2) The home must be covered with an exterior material customarily used on conventional dwellings. Suitable exterior materials include but shall not be limited to clapboard, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
- (3) The hitches or towing apparatus, axles and wheels must be removed.
- (4) The roof must be pitched so there is at least a 3.57-inch vertical rise for each 12 inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
- (5) The Unit must be oriented on the lot so that its long axis is parallel with the street.

S. Sign Regulations

- (1) Purposes. The purposes of these sign regulations are: (1) to encourage the effective use of signs as a means of communication in the Town; (2) to maintain

and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; (3) to improve pedestrian and traffic safety; (4) to minimize the possible adverse effect of signs on nearby public and private property; and (5) to enable the fair and consistent enforcement of these sign restrictions.

- (2) Applicability – Effect. A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. The effect of this ordinance, as more specifically set forth herein, is:
 - (a) To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;
 - (b) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
 - (c) To prohibit all signs not expressly permitted by this ordinance; and
 - (d) To provide for the enforcement of the provisions of this ordinance.
- (3) Computations. The following principles shall control the computation of sign area and sign height.
- (4) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- (5) Computation of Area of Multi-faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (6) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached

(1) component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(7) Computation of Maximum Total Permitted Sign Area for a Lot. The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in Table 11-208B, maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

(8) Signs Allowed on Private Property With and Without Permits.

Signs shall be allowed on private property in the Town in accordance with, and only in accordance with, Table 11-208A. If the letters "OK" appear for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letters "NO" appear for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. If the letter "P" appears, a permit is required.

Although permitted under the previous paragraph, a sign designated by an "OK" or "P" in Table 11-208A shall be allowed only if:

- (a) The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 11-208B;
- (b) The size, location, and number of signs on the lot conform with the requirements of Tables 11-208B, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 11-208A;
- (c) The characteristics of the sign conform with the limitations on characteristics listed in Table 11-208A.

(9) Permits Required.

If a sign requiring a permit under the provision of this ordinance is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 11-208.

No signs shall be erected in the public right-of-way except in accordance with Section 11-208.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Master Signage Plan or Common Signage Plan in effect for the property.

Table 11-208A

Signs by Type and Zoning District

	District	R-1	R-2	R-3	B-1	B-2	B-3	M-1	Inst. ¹
FREESTANDING									
Other ²		P	P	P	P	P	P	P	OK
Off Premise		NO	NO	NO	NO	NO	NO	NO	NO
Incidental		OK	OK	OK	OK	OK	OK	OK	OK
BUILDING									
Wall		NO	NO	NO	P	P	P	P	OK
Banner		NO	NO	NO	P	P	P	P	OK
Building Marker		OK	OK	OK	OK	OK	OK	OK	OK
Canopy Sign		NO	NO	NO	OK	OK	OK	OK	OK
Incidental ³		NO	NO	NO	OK	OK	OK	OK	OK
Marquee ⁴		NO	NO	NO	P	P	P	P	OK
Projecting ⁴		NO	NO	NO	P	P	P	P	OK
Residential		P	P	P	NO	NO	NO	NO	OK
Roof, Integral		NO	NO	NO	P	P	NO	NO	OK
Suspended ⁴		NO	NO	NO	P	P	NO	NO	OK
Temporary ⁵		OK	OK	OK	OK	OK	OK	OK	OK
Portable		NO	NO	NO	NO	NO	NO	NO	NO
MISCELLANEOUS									
Flag		OK	OK	OK	OK	OK	OK	OK	OK

OK = Allowed without sign permit

P = Allowed only with a sign permit from the Enforcement Officer

NO = Not allowed

Notes:

1. The “Inst.” category represents institutional uses permitted under the zoning ordinance, such as churches and schools. All signs are permitted for institutional uses provided that the sign does not convey a commercial message.

2. Certain freestanding residential signs are permitted with a sign permit as required by Tennessee State law.
3. No commercial message is allowed on incidental signs that are legible from any location off the lot.
4. Marquees, projecting signs or suspended signs may not extend into or above public right-of-way.
5. Temporary signs are permitted without a permit in all districts, under the conditions listed.

Table 11-208B

Number, Dimension and Location of Individual Signs by Zoning District

Sign Type	R-1	R-2	R-3	B-1	B-2	B-3	M-1	Inst.
<i>FREESTANDING</i>								
Area (sq. ft.)	4	4	12	32	24	32	32	12
Height	2	2	5	30	15	30	30	5
Setback	5	5	5	10	2	10	10	5
Number Permitted	1	1	1	1	1	1	1	1
Per Street Frontage			per 200 linear feet	per 200 linear feet	per 100 linear feet	per 400 linear feet	per 400 linear feet	
<i>BUILDING</i>								
Area (max. sq. ft.)	4	4	4	NA	NA	NA	NA	10
Wall Area (percent)	1%	1%	1%	5%	5%	5%	5%	NA

(10) Design, Construction, and Maintenance.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

All signs shall comply with applicable provisions of the International Building Code and the Electrical Code of the Town at all times.

Except for banners, flags and temporary signs, conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(11) Signs in the Public Right -of- Way.

No sign shall be allowed in the public right-of-way, except for the following:

- (a) Permanent Signs. Permanent signs, including: Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; Bus stop signs erected by a public transit company; Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Table 11-208A of this ordinance.
- (b) Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- (c) Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

(12) Signs Exempt from Regulation Under This Ordinance.

The following signs shall be exempt from regulation under this ordinance:

Any public notice or warning required by a valid and applicable federal, state, or local law, regulations, or ordinance;

Any sign inside a building, attached to a window or door;

Works of art that do not include a commercial message;

Holiday lights and decorations with no commercial message

Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.

Temporary signs without a commercial message;

Signs indicating anti-theft systems and alarm systems

(13) Signs Regulated as Temporary Signs.

Temporary signs are permitted in all districts. There will not be a fee for temporary signs. The following types of signs shall be regulated as temporary signs within the Town of Tiptonville and shall be removed within a maximum period of 35 days. Extensions to the 30-day maximum are granted by the Enforcement Officer.

Beacons; and

Pennants; and

Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and

Inflatable signs and tethered balloons; and

Temporary sales signs, to include but not limited to garage or yard sale signs (in accordance with current Tiptonville Municipal Code), personal business signs and signs intended to sell or distribute goods.

(14) General Permit Procedures.

The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Common Signage Plans and Master Signage Plans.

(15) Applications. All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the Enforcement Officer on an application form or in accordance with application specifications published by the Enforcement Officer.

(16) Fees. Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established by the governing body of the Town from time to time by resolution.

(17) Completeness. Within 35 days of receiving an application for a sign permit or for a Common or Master Signage Plan, the Enforcement Officer shall review it for completeness. If the Enforcement Officer finds that it is complete, the application shall then be submitted to the Planning Commission for review. If the Enforcement Officer finds that it is incomplete, the Enforcement Officer shall, within such 35-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.

(18) Action. Within 35 days of the submission of a complete application for a sign permit, the Planning Commission shall either:

(a) Authorize the issuance of a sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance and of the applicable Master or Common Signage Plan.

OR

(b) Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this ordinance and of the applicable Master or Common Signage Plan. If the sign permit is rejected by the Planning Commission, the Owner/Developer has a right to appeal to the Board of Zoning Appeals.

(19) Permits to Construct or Modify Signs.

Signs identified as “P” on Table 11-208 A shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Enforcement Officer. Such permits shall be issued only in accordance with the following requirements and procedures.

(20) Permit for New Sign or for Sign Modification. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the lot. One application and permit may include multiple signs on the same lot.

(21) Inspection. The Enforcement Officer shall inspect the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with the International Building and electrical codes, the Enforcement Officer shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Enforcement Officer shall give the owner or applicant notice of the deficiencies and shall allow an additional 35 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then

complete, the Enforcement Officer shall affix to the premises the permanent symbol described above.

- (22) Signs in the Public Right-of-Way. No signs, whether permanent or temporary, may be placed in the public right-of-way. Enforcement shall include the removal of any signs in the right-of-way, with no compensation granted to the offending party or parties.
- (23) Violations. Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance and/or by state law:
- (a) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
 - (b) To install, create, erect, or maintain any sign requiring a permit without such a permit;
 - (c) To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or;
 - (d) Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.
- (24) Fee Schedule. Sign permits fees will be assessed and collected for each Master or Common Signage Plan. Fees for all new or modified permitted signs shall be based on the ratio of one dollar (\$1) per square-foot of signage. Holiday oriented signs, public purpose signs without a commercial message and all signs excluded from this ordinance shall not be required to pay sign permit fees.

T. Telecommunication Structure Requirements

- (1) Purpose. The purpose of this section is to protect the following health and enhance the safety of the residents of the City of Tiptonville by providing provisions relative to controlling the height, number and light emission of telecommunication structures in the City.
- (2) Applicability. All new telecommunication structures which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.

- (3) Plan Requirement. Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance to with the provisions of the Site Plan Review Requirements in the Tiptonville Zoning Ordinance and the following provisions:
- (a) All new telecommunications structures not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antennae arrays and accessory structures.
 - (b) A letter of intent from the owner allowing for the shared use of the tower.
 - (c) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
 - (d) A letter indicating why all existing towers within one (1) mile radius of the proposed tower cannot be utilized.
- (4) Uses Permitted on Appeal. All telecommunication structures are only allowed in commercial and industrial districts as uses permitted on appeal.
- (5) Prohibited Uses. All telecommunication towers that exceed a height of 150 feet and any tower that is not specifically permitted as a use permitted on appeal.
- (6) Type. Lattice or monopole type telecommunications towers are allowed.
- (7) Accessory Uses and Structures
- (a) A telecommunications structure, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any zoning district in the City of Tiptonville. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.
 - (b) A utility structure shall be limited to no more than two (2) accessory buildings or structures at the base of the power line structure or water tower.

(8) Structural Requirements

- (a) All new telecommunications structures not on an existing utility structure within the City of Tiptonville shall be designed to accommodate a minimum of three (3) antenna arrays.
- (b) All telecommunication structures on an existing utility structure shall be designed to accommodate a minimum of two (2) antenna arrays.
- (c) All new telecommunications structures, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 mph with half and inch radial ice.

(9) Setback

- (a) All telecommunications structures and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 70 percent of the height of the structure. The setback shall be measured from the security fence to all of the surrounding property lines.
- (b) In instances when telecommunications structures and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be 100 percent of the tower height plus (10) feet.

(10) Co-Use of Utility Structures. The co-use of existing utility structures in the City of Tiptonville shall be encouraged on existing power line structures exceeding 30 feet in height and water towers.

(11) Height. No tower shall exceed 150 feet. In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds 30 feet or an existing water tower, the maximum height shall not exceed the height of the structure plus 15 feet.

(12) Shared Use. The shared use of existing towers within the City of Tiptonville shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications structure shall demonstrate, through documentation, that no existing towers within a one (1) mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons:

- (a) The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and

existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.

- (b) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
 - (c) The planned equipment would not function effectively and reasonably on an existing tower or utility structure.
 - (d) Geographic service requirements would prevent the co-use of an existing tower or utility structure.
- (13) Security. All telecommunications structures, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater.
- (14) Landscaping. All freestanding towers and utility structures shall have a four (4) foot wide landscaping strip around the perimeter of the security fence. The landscaping strips shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of eight (8) feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.
- (15) Vehicle Access/ Parking
- (a) The location and design of driveways and/ or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission.
 - (b) No parking spaces shall be required for the site since the site shall not have workers that remain at the sited on a full or part-time basis.
- (16) Lighting
- (a) Towers: No artificially lighted tower shall be permitted in the Town of Tiptonville. If the Federal Aviation Administration (FAA) requires the proposed tower to be lighted, then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

- (b) Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.
- (17) Removable of Obsolete Towers. Any telecommunications structure that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

11-209 NON-CONFORMING USES

- A. Within the districts established by this ordinance or amendments that may later be adopted there exist uses and/or structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment of the following shall apply.
- (1) Any non-conforming structure except as provide in Chapter 279.1 of the 1973 Tennessee Acts may not be:
 - (a) Extended except in conformity with this ordinance.
 - (b) Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement value except in conformity with the provisions of this ordinance.
 - (2) Any non-conforming commercial, business, or industrial uses created after the passage of Tennessee Acts of 1973, Chapter 279.1 shall be:
 - (a) Allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the 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 business and that any construction, improvements or reconstruction shall be in conformance with the district requirements in which it is located.
 - (3) Any non-conforming use of land may not be:
 - (a) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
 - (b) Extended, except in conformity with this ordinance.
 - (4) Any non-conforming use of structure may not be:

- (a) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
 - (b) Reestablished after discontinuance of six months.
- (5) When a nonconforming use of any building has ceased for a period of six (6) months, it shall not be reestablished or changed to any other nonconforming use.
- (6) All non-conforming signs and billboards shall be considered a structure and shall conform to #5 above.

CHAPTER 3

ESTABLISHMENT OF DISTRICTS

11-301. ESTABLISHMENT OF DISTRICTS

- A. Classification of Districts. For the purpose of this ordinance Tiptonville, Tennessee, is hereby divided into nine (9) districts, designated as follows:

R-1 Low Density Residential
R-2 Medium Density Residential
R-3 Medium Density/Mobile Home
B-1 General Business
B-2 Central Business
B-3 Impact Business
M-1 Industrial
F-H (Flood Hazard Overlay District)
P (Preservation District Overlay)

- B. Boundaries of Districts

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

11-302. PROVISIONS FOR OFFICIAL ZONING MAP

- A. Incorporation of Map

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

- B. Identification and Alteration of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in 11-301 (B) of Ordinance Number of the

Town of Tiptonville, Tennessee". Together with the date of the adopting of this ordinance.

If, in accordance with the provisions of this ordinance and the Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Mayor and Aldermen. A statement shall be included "By official action of the Board of Mayor and Aldermen, the following change(s) was made in the Official Zoning Map: (brief description of nature of change), "which entry shall be signed by the Mayor and attested by the City Clerk".

No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matters shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this ordinance and punishable as provided under Chapter 8, Section 11-803 of this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in City Hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

C. Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of Ordinance No. _____ of the City of Tiptonville, Tennessee".

Unless the prior Official Zoning Map has been lost or has been totally destroyed, or the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

CHAPTER 4

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

11-401. R-1 LOW DENSITY RESIDENTIAL DISTRICTS

A. Uses Permitted

- (a) Single-family and two family dwellings, excluding mobile homes on individual lots.
- (b) Accessory buildings or uses customarily incidental to any aforementioned permitted use.
- (c) Real estate signs advertising the sale, rental or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and the street rights-of-way.
- (d) Public utilities, essential services, rights-of-way to all mode of transportation.

B. Uses Permissible on Appeal

- (a) Churches and other places of worship, parish houses public libraries, schools offerings general education courses, public parks and public recreational facilities, funeral homes, police and fire stations, community centers, nursing homes, orphanages, public museums, art galleries and observatories shall be permitted as a matter of right, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions, and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the style of proposed buildings, the power to specify building materials or colors, or other similar powers.
- (b) The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club where the chief activity of which is customarily general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
- (c) Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:

- (1) the proposed use shall be located and conducted in the principal building only;
 - (2) the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (3) not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to proposed use;
 - (4) proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
 - (8) the proposed use shall provide adequate off-street parking facilities;
 - (9) Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.
- (d) Bed and Breakfast Homestay, provided that no such use shall be established without the review and written approval of the Board of Zoning appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the use is located. The Board of Zoning Appeals shall find the following before any approval, and any approved bed and breakfast operation shall conform to the following:
- (1) the use shall be located and conducted in the principal building only, except that an accessory building which has historically been used as a residential structure for at least six months in the three years prior to January 1, 1992 may be considered as part of the principal building of the purposes of establishing a bed and breakfast homestay operation;
 - (2) the principals and employees engaged in the bed and breakfast operation shall be owners and residents of the dwelling unit in which the operation is located, provided that non-resident temporary cleaning services may be engaged for the operation;
 - (3) no more than three sleeping rooms shall be used for occupancy by paying guests

- (4) the bed and breakfast operation shall not rent rooms for more than ten days out of each month per guest;
 - (5) a minimum of one one-site parking space per guest room shall be provided in addition to any parking required for the principal residents, such parking to be prepared to regular residential parking standards of the city;
 - (6) one sign of no more than three square feet, placed no higher than six feet above ground level, and with no direct lighting, shall be permitted to identify the bed and breakfast operation; and
 - (7) any conditions set by the Board of Zoning Appeals to protect the surrounding neighborhood shall be the responsibility of the proprietors of the bed and breakfast operation.
- (e) Family Care Centers and Group Day Care Homes as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the following criteria. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require these operations approved shall meet the following requirements:
- (1) Minimum required lot area;
 - a. Family Day Care Home - 7,500 sq.ft.
 - (2) Minimum required fenced play area.
 - a. Family Day Care Home - 1,400 sq. ft.
 - (3) The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
 - (4) The family day care home be conducted in single family residences only. Accessory structures may not be used for day care facilities.
 - (5) If a Family Care Home is proposed to be expanded to a Group Day Care operation, the new day care operation shall need a new approval of use and site plan by the Board of Zoning Appeals, and shall be subject to appropriate regulations.
 - (6) All outdoor play activities shall be conducted within the fenced play area.
 - (7) The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
 - (8) There shall be no signs advertising the property as a daycare facility.

C. Uses Prohibited

- (a) Any other use or structure not specifically permitted or permissible on appeal in this Chapter. This shall include mobile homes on individual lots, mobile home parks, advertising signs or billboards, except as specifically permitted by this ordinance.

D. Location of Accessory Buildings

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

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements:

(a) Minimum required lot area.

- | | |
|-------------------|--|
| (1) Single Family | 7,500 sq. ft. |
| (2) Two Family | 10,500 sq. ft. |
| (3) Churches | One (1) acre or 200 square feet of lot area per auditorium seat, whichever is greater. |
| (4) Schools | Four (4) acres plus one (1) acre for each 100 students. |
| (5) Other Uses | As required by the Board of Zoning Appeals. |

(b) Minimum required lot width at the building line.

- | | |
|----------------|---|
| (1) Dwellings | 50 feet |
| (2) Churches | 200 feet |
| (3) Other Uses | As required by the Board of Zoning Appeals. |

(c) Minimum required front yard

- | | | |
|---|--|--|
| (1) | Dwellings | 30 feet |
| (2) | Churches | 40 feet |
| (3) | Other Uses | 40 feet or more
as required by
the Board of
Zoning Appeals. |
| (d) Minimum required rear yard | | |
| (1) | Dwellings | 30 feet |
| (2) | Churches | 30 feet |
| (3) | Other Uses | 30 feet or more
as required by
the Board of
Zoning Appeals. |
| (4) | Rear Yard on
Corner Lot | 25 feet |
| (e) Minimum required side yard on each side of lot. | | |
| (1) | Dwellings -

One & Two Story | 15 feet |
| | Three Story | 20 feet |
| (2) | Churches | 30 feet |
| (3) | Other Uses | 15 feet or more
as required by
the Board of
Zoning Appeals. |
| (f) | Minimum required side yard for side facing street | on corner lots - 30 feet. |
| (g) Maximum lot coverage by all buildings | | |
| (1) | Dwellings and accessory | 30% |
| (2) | Churches | 25% |
| (3) | Other Uses | 50% or less as
required by the
Board of Zoning
Appeals. |
| (h) Maximum permitted height of structures. | | |
| (1) | No building shall exceed three (3) stories or thirty-five (35) feet in height. | |

- (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
- (3) No accessory building shall exceed two (2) stories in height.
- (4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

11-402. R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICTS.

A. Uses Permitted

- (a) Single-family and two family dwellings.
- (b) Townhouses and multiple family dwellings or apartments, provided however, that the building inspector shall not issue a permit for any dwelling containing three (3) or more units until a site plan has been submitted to and approved by the Tiptonville Planning Commission. The site plan shall show the location, height, and bulk of all proposed buildings, pedestrian and vehicular circulation, off-street parking, walls, hedges, fences and proposed system for storm drainage. The proposed building shall meet all minimum lot and yard requirements of this section. In addition, the planning commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood from traffic congestion or other similar features not directly related to the public health, safety and welfare. The planning commission shall state in writing the reasons for denial of any properly submitted site plan. Any site plan not acted upon within sixty (60) days from submittal shall be deemed approved.
- (c) Accessory buildings customarily incidental to any aforementioned permitted use.
- (d) Rights-of-way to modes of transportation, essential services, public utilities.
- (e) Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area.

B. Uses Permissible on Appeal

- (a) Churches and other places of worship, parish homes, public libraries, schools offering general education courses, public parks and public recreational facilities, funeral homes, police and fire stations, community centers, nursing homes, orphanages, public museums, art galleries and observatories shall be permitted as a matter of right, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the style of proposed buildings, the power to specify building materials or colors, or other similar powers.
- (b) The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, philanthropic institutions and clubs, except a club the chief activity of which is customarily general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

- (c) Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:
- (1) the proposed use shall be located and conducted in the principal building only;
 - (2) not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
 - (3) the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located; and
 - (8) the proposed use shall provide adequate off-street parking facilities;
 - (9) Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.
- (d) Bed and Breakfast Homestay, provided that no such use shall be established without the review and written approval of the Board of Zoning appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the use is located. The Board of Zoning Appeals shall find the following before any approval, and any approved bed and breakfast operation shall conform to the following:
- (1) the use shall be located and conducted in the principal building only, except that an accessory building which has historically been used as a residential structure for at least six months in the three years prior to January 1, 1992 may be considered as part of the principal building of the purposes of establishing a bed and breakfast homestay operation;
 - (2) the principals and employees engaged in the bed and breakfast operation shall be owners and residents of the dwelling unit in which the operation is located, provided that non-resident temporary cleaning services may be engaged for the operation;

- (3) no more than three sleeping rooms shall be used for occupancy by paying guests
 - (4) the bed and breakfast operation shall not rent rooms for more than ten days out of each month per guest;
 - (5) a minimum of one one-site parking space per guest room shall be provided in addition to any parking required for the principal residents, such parking to be prepared to regular residential parking standards of the city;
 - (6) one sign of no more than three square feet, placed no higher than six feet above ground level, and with no direct lighting, shall be permitted to identify the bed and breakfast operation; and
 - (7) any conditions set by the Board of Zoning Appeals to protect the surrounding neighborhood shall be the responsibility of the proprietors of the bed and breakfast operation.
- (e) Family Care Centers and Group Day Care Homes as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the following criteria. The approval and the site plan may be subject to such conditions as the Board of Zoning appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:
- (1) Minimum required lot area;
 - a. Family Day Care Home -6,000 sq. Ft.
 - (2) Minimum required fenced play area.
 - a. Family Day Care Home 1,400 sq. Ft.
 - (3) The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
 - (4) The family day care home be conducted in single family residences only. Accessory structures may not be used for day care facilities.
 - (5) If a Family Care Home is proposed to be expanded to a Group Day Care operation, the new day care operation shall need a new approval of use and site plan by the Board of Zoning Appeals, and shall be subject to appropriate regulations.
 - (6) All outdoor play activities shall be conducted within the fenced play area.
 - (7) The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
 - (8) There shall be no signs advertising the property as a day care facility.

C. Uses Prohibited

- (a) Any other use or structure not specifically permitted or permissible on appeal in this Chapter. This shall include mobile homes on individual lots, advertising signs or billboards, except as specifically permitted by this ordinance.

D. Location of Accessory Buildings

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

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Height.

(a) Minimum required lot area.

(1)	Single Family	6,000 sq. ft.
(2)	Two Family	8,500 sq. ft.
(3)	Multi-Family	5,500 sq. ft. for the first dwelling unit plus 2,500 sq. ft. for each additional dwelling unit.
(4)	Townhouses	3,500 sq. ft. per unit.
(5)	Churches	One (1) acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
(6)	Schools	Four (4) acres plus one (1) acre for each 100 students.
(7)	Mobile Home Parks	Minimum of one (1) acre.
(8)	Other Uses	As required by Board of Zoning Appeals.

- (b) Minimum required lot width at the building line.
- | | | |
|-----|--------------------------|--|
| (1) | Dwellings and apartments | 60 feet |
| (2) | Townhouses
Individual | None - for units; 100 feet for entire development. |
| (3) | Churches | 100 feet |
| (4) | Other Uses | As required by Board of Zoning Appeals. |
- (c) Minimum required front yard.
- | | | |
|-----|--------------------------|--|
| (1) | Dwellings and apartments | 25 feet |
| (2) | Townhouses | 25 feet |
| (3) | Churches | 30 feet |
| (4) | Other Uses | 30 feet or more as required by the Board of Zoning Appeals |
- (d) Minimum required rear yard.
- | | | |
|-----|--------------------------|--|
| (1) | Dwellings and apartments | 25 feet |
| (2) | Townhouses | 25 feet |
| (3) | Churches | 30 feet |
| (4) | Other Uses | 30 feet or more as required by the Board of Zoning Appeals |
| (5) | On Corner Lots | Minimum of 20 feet provided street and side yards are kept at 25 feet. |
- (e) Minimum required side yard on each side of lot.
- | | | |
|-----|--------------------------|-----------------------------|
| (1) | Dwellings and apartments | 10 feet |
| (2) | Townhouses | None on side with townhouse |

- | | | |
|-----|------------|--|
| | | common wall,
ten (10) feet
in all other
cases |
| (3) | Churches | 25 feet |
| (4) | Other Uses | 10 feet or more
as required by
the Board of
Zoning Appeals. |
- (f) Minimum required side yard for side facing street on corner lots - 25 feet.
- (g) Maximum lot coverage by all buildings.
- | | | |
|-----|--|--|
| (1) | Dwellings, townhouses,
apartments and accessories | 35% |
| (2) | Churches | 30% |
| (3) | Other Uses | 50% or less as
required by the
Board of Zoning
Appeals. |
- (h) Maximum permitted height of structures.
- (1) No building shall exceed three (3) stories or thirty-five (35) feet in height.
 - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
 - (3) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

11-403. R-3 (MEDIUM DENSITY/ MOBILE HOME) DISTRICTS.

A. Uses Permitted

- (a) Single-family, two family dwellings and mobile homes on individual lots.
- (b) Townhouses and multiple family dwellings or apartments, provided however, that the building inspector shall not issue a permit for any dwelling containing three (3) or more units until a site plan has been submitted to and approved by the Tiptonville Planning Commission. The site plan shall show the location, height, and bulk of all proposed buildings, pedestrian and vehicular circulation, off-street parking, walls, hedges, fences and proposed system for storm drainage. The proposed building shall meet all minimum lot and yard requirements of this section. In addition, the planning commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood from traffic congestion or other similar features not directly related to the public health, safety and welfare. The planning commission shall state in writing the reasons for denial of any properly submitted site plan. Any site plan not acted upon within sixty (60) days from submittal shall be deemed approved.
- (c) Mobile Home Park, provided however, that a site plan has been submitted to and approved by the Tiptonville Planning Commission, and further provided that the park is developed in conformance with the following minimum requirements and provisions:
 - 1. The site shall contain a minimum of One (1) acre or larger in size.
 - 2. The site plan drawn to a scale of 1" = 100' shall include:
 - a. Area and dimensions of the tract of land to be used for a mobile home park;
 - b. Number, location and size of all mobile home and trailer spaces;
 - c. Location and width of roadways, walkways, and easements;
 - d. Location of all existing or proposed buildings and other structures, screening and existing or proposed utilities;
 - e. Topography and a drainage and grading plan for the site.
 - (3) Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park.
 - (4) Access roads within a mobile home park shall be to a width of not less than twenty-four (24) feet. Where access roads are to a width of twenty-eight (28) feet or more, the required guest parking area shall be waived.
 - a. Access roads shall be constructed in the following manner.

Base

A compacted base course of crushed stone, (Grade D or Grade B), or equal six (6) inches deep and three (3) feet wider than the width of the pavement requirement on each side of the road (twenty-four (24) total).

- (5) All mobile homes shall be secured to the site through an anchorage system consisting of over the top tie downs to restrict the unit from being pushed from its piers. These tie downs shall meet the anchorage requirements specified by Tennessee State Statutes.
 - (6) Utility connections shall be provided in a permanent type installation at each mobile home space.
 - (7) Each mobile home space shall be adequate for the type of unit occupying type of the same. In addition, each mobile home space shall contain:
 - a. A minimum lot area of four thousand (4,000) square feet.
 - b. A minimum front yard of twenty (20) feet shall be required, unless end parking of an automobile is provided. In the case that side parking is provided, the minimum side yard requirement shall be fifteen (15) feet.
 - (8) Each mobile home park shall be setback a minimum of thirty-five (35) feet from all street or road right-of-ways.
 - (9) There shall be a setback of twenty (20) feet from other property lines.
 - (10) Recreation areas and facilities, such as play-grounds, swimming pools, and community buildings should be provided to meet the anticipated needs of the clientele the park is designed to serve.
 - (11) Required off-street parking areas.
 - a. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at a rate of at least two (2) car spaces for each mobile home lot.
 - b. The size of the individual parking space shall consist of a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet.
 - c. Additional parking spaces for recreational centers, service buildings and other accessory uses may be required by the planning commission according to the design of the mobile home site plan.
- (c) Accessory buildings customarily incidental to any aforementioned permitted use.
 - (d) Rights-of-way to modes of transportation, essential services, public utilities.

- (e) Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area.

B. Uses Permissible on Appeal

- (a) Churches and other places of worship, parish homes, public libraries, schools offering general education courses, public parks and public recreational facilities, funeral homes, police and fire stations, community centers, nursing homes, orphanages, public museums, art galleries and observatories shall be permitted as a matter of right, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the style of proposed buildings, the power to specify building materials or colors, or other similar powers.
- (b) The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, philanthropic institutions and clubs, except a club the chief activity of which is customarily general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
- (c) Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:
 - (1) the proposed use shall be located and conducted in the principal building only;
 - (2) not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
 - (3) the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

- (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located; and
 - (8) the proposed use shall provide adequate off-street parking facilities;
 - (9) Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.
- (d) Bed and Breakfast Homestay, provided that no such use shall be established without the review and written approval of the Board of Zoning appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the use is located. The Board of Zoning Appeals shall find the following before any approval, and any approved bed and breakfast operation shall conform to the following:
- (1) the use shall be located and conducted in the principal building only, except that an accessory building which has historically been used as a residential structure for at least six months in the three years prior to January 1, 1992 may be considered as part of the principal building of the purposes of establishing a bed and breakfast homestay operation;
 - (2) the principals and employees engaged in the bed and breakfast operation shall be owners and residents of the dwelling unit in which the operation is located, provided that non-resident temporary cleaning services may be engaged for the operation;
 - (3) no more than three sleeping rooms shall be used for occupancy by paying guests
 - (4) the bed and breakfast operation shall not rent rooms for more than ten days out of each month per guest;
 - (5) a minimum of one one-site parking space per guest room shall be provided in addition to any parking required for the principal residents, such parking to be prepared to regular residential parking standards of the city;
 - (6) one sign of no more than three square feet, placed no higher than six feet above ground level, and with no direct lighting, shall be permitted to identify the bed and breakfast operation; and
 - (7) any conditions set by the Board of Zoning Appeals to protect the surrounding neighborhood shall be the responsibility of the proprietors of the bed and breakfast operation.
- (e) Family Care Centers and Group Day Care Homes as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the following criteria. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the

district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:

- (1) Minimum required lot area;
 - a. Family Day Care Home -6,000 sq. Ft.
- (2) Minimum required fenced play area.
 - a. Family Day Care Home 1,400 sq. Ft.
- (3) The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
- (4) The family day care home be conducted in single family residences only. Accessory structures may not be used for day care facilities.
- (5) If a Family Care Home is proposed to be expanded to a Group Day Care operation, the new day care operation shall need a new approval of use and site plan by the Board of Zoning Appeals, and shall be subject to appropriate regulations.
- (6) All outdoor play activities shall be conducted within the fenced play area.
- (7) The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
- (8) There shall be no signs advertising the property as a day care facility.

C. Uses Prohibited

- (a) Any other use or structure not specifically permitted or permissible on appeal in this Chapter. This shall include advertising signs or billboards, except as specifically permitted by this ordinance.

D. Location of Accessory Buildings

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

E. Regulations Controlling Lot Area, Lot Width, Yards, Building Height.

- (a) Minimum required lot area.

- | | | |
|--|--|---|
| (1) | Single Family | 6,000 sq. ft. |
| (2) | Two Family | 8,500 sq. ft. |
| (3) | Multi-Family | 5,500 sq. ft.
for the first
dwelling unit
plus 2,500 sq.
ft. for each
additional
dwelling unit. |
| (4) | Townhouses | 3,500 sq. ft.
per unit. |
| (5) | Churches | One (1) acre or
200 sq. ft. of
lot area per
auditorium
seat, whichever
is greater. |
| (6) | Schools | Four (4) acres
plus one (1)
acre for each
100 students. |
| (7) | Mobile Home Parks | Minimum of one
(1) acre. |
| (8) | Mobile Homes on
Individual Lots | 6,000 sq. ft. |
| (9) | Other Uses | As required by
Board of Zoning
Appeals. |
| (b) Minimum required lot width at the building line. | | |
| (1) | Dwellings and apartments
and Mobile Homes on
Individual Lots | 60 feet |
| (2) | Townhouses | None for individual units;
100 feet for
entire development. |
| (3) | Churches | 100 feet - for
development |
| (4) | Mobile Home Parks | 100 feet -
for individual Mobile
Home Sites |

		see A. (c) above.
	(5) Other Uses	As required by Board of Zoning Appeals.
(c)	Minimum required front yard.	
	(1) Dwellings, apartments and Mobile Homes on Individual Lots	25 feet
	(2) Townhouses	25 feet
	(3) Churches	30 feet
	(4) Other Uses	30 feet or more as required by the Board of Zoning Appeals
(d)	Minimum required rear yard.	
	(1) Dwellings, apartments and Mobile Homes on Individual Lots	25 feet
	(2) Townhouses	25 feet
	(3) Churches	30 feet
	(4) Other Uses	30 feet or more as required by the Board of Zoning Appeals
	(5) On Corner Lots	Minimum of 20 feet provided street and side yards are kept at 25 feet.
(e)	Minimum required side yard on each side of lot.	
	(1) Dwellings, apartments and Mobile Homes on Individual Lots	10 feet
	(2) Townhouses	None on side with townhouse common wall, ten (10) feet

- | | | |
|-----|------------|---|
| | | in all other cases |
| (3) | Churches | 25 feet |
| (4) | Other Uses | 10 feet or more as required by the Board of Zoning Appeals. |
- (f) Minimum required side yard for side facing street on corner lots - 25 feet.
- (g) Maximum lot coverage by all buildings.
- | | | |
|-----|--|---|
| (1) | Dwellings, townhouses, Mobile Homes on Individual Lots, apartments and accessories | 35% |
| (2) | Churches | 30% |
| (3) | Other Uses | 50% or less as required by the Board of Zoning Appeals. |
- (h) Maximum permitted height of structures.
- (1) No building shall exceed three (3) stories or thirty-five (35) feet in height.
 - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
 - (3) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

CHAPTER 5

PROVISIONS GOVERNING BUSINESS DISTRICTS

11-501 B-1 (General Business) Districts

A. Uses Permitted

- (a) Retail Sales including: lumber and other building materials; heating and plumbing equipment; paint, glass and wallpaper; electrical supplies, hardware and farm equipment, department stores, mail order houses, variety stores, merchandise vending machine operators, direct selling organizations, dry goods and general merchandise; general stores, groceries and other food related sales; motor vehicles, tires, batteries and automotive accessories; gasoline service stations; other automotive, marine craft and accessories; clothing and accessories; furniture, home furnishings and equipment; household appliances; radios, televisions and music supplies; eating and drinking establishments; drug and properties, liquor, antiques and second hand merchandise; books and stationary; sporting goods and bicycles, farm and garden supplies, jewelry, fuel and ice sales, florist; newspapers and magazines, cameras and photographic supplies; gifts, novelties and souvenirs, optical goods.
- (b) Services including: finance, insurance, and real estate services; laundering, dry cleaning and dyeing services; photographic services, beauty and barber services; funeral and crematory services; apparel repair, alteration and cleaning pickup, shoe repair services; other personal services; business services; automotive and other repair services; medical and other health services; legal services, other professional services, construction services, educational services including nursery services; religious activities; welfare and charitable services; cultural activities and nature exhibits; public assembly fairgrounds, amusement parks and other amusement activities; recreational activities, other cultural, entertainment and recreational activities.
- (c) Wholesale Uses
- (d) Churches; and federal, state, and municipal uses
- (e) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way.
- (f) Public utilities: communications installations and exchanges; electric or gas substations; electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines); water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines); rights-of-way to all modes of transportation; small landscapes, scenically significant open areas, natural reserves, water tanks, water production, treatment facility.
- (g) Any accessory use or building customarily incidental to the above permitted uses.

B. Uses Permitted on Appeal

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

C. Uses Prohibited

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

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

(a) Minimum required lot area

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

(b) Other required lot width at building line

- | | |
|------------------------------|------------------------|
| (1) Gasoline service station | 120 feet |
| (2) Churches | 100 feet |
| (3) Other Uses | No minimum requirement |

(c) Minimum required front yard

- | | |
|--|---------|
| (1) Uses fronting along Arterial Roads | 50 feet |
| (2) Other uses | 30 feet |

(d) Minimum required rear yard

- | | |
|--------------|---------|
| (1) All uses | 20 feet |
|--------------|---------|

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

- | | |
|----------------|---|
| (1) Churches | 25 feet |
| (2) Other Uses | None required, how-
ever, if buildings
do not have common
or adjoining walls,
there shall be a
side yard of at
least ten (10) feet. |

- (3) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.
- (f) Minimum required side yard for side facing street on corner lots shall be 30 feet.
- (g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way. This determination is to be made by the building inspector.
- (h) Maximum permitted height of structures
 - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory building shall exceed twenty (20) feet in height.
 - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
 - (3) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

E. Site Plan Review

(a) Procedure

Before a permit is issued for any permitted by right, or on appeal, the site plan of the proposed development shall be reviewed and approved by the Tiptonville Municipal-Regional Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of buildings on the site, the location and design of parking and access facilities, fencing and screening, abatement, outdoor advertising, landscaping and other features affecting the character of the area and the compatibility of the proposed use to existing uses.

In order that the Planning Commission may make an accurate determination of character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing proposed buildings parking and access facilities, proposed buildings, landscaping, location and general design of outdoor advertising and the front (street) elevation of the proposed buildings. The Planning Commission may make other reasonable requirements for information when necessary.

The Planning Commission shall meet and act upon any application within thirty-five (35) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When an application is denied the Planning Commission shall state the reasons for such action in writing and they shall be entered in the official records of the Planning Commission.

(b) Contents of Site Plan

- (1) The site plan shall include the following:
 - (i) Name of the development and address.
 - (ii) Name and address of owner of record and the applicant.
 - (iii) Scale of 1" -50' or larger.
 - (iv) Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
 - (v) Date, scale, and north point with reference to source meridian. Note all related dimensions and bearings of the lot.
 - (vi) Courses and distances of center lines of all streets.
 - (vii) All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, reservations and rights-of-way.
 - (viii) The acreage or square footage of the lot.
 - (ix) Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building. Topography to be shown by dashed line illustrating contours.
 - (x) A certificate by a licensed civil engineer, architect or land surveyor certifying that the plan as shown is true and correct. Drainage plans requiring calculations shall be certified by a licensed civil engineer.
 - (xi) A vicinity map showing the relationship of the proposed development to Tiptonville.
 - (xii) Tax map and parcel number reference regarding the subject property.
 - (xiii) A form for certification of approval by the Secretary of the Planning Commission.
 - (xiv) A form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicate the streets and other public improvements shown on the plan and agree to make any required improvements as shown on the plan.
- (2) The site plan shall show the location, dimensions, site and height of the following:
 - (i) Sidewalks, streets, alleys, easements and utilities.

- (ii) Buildings and structures including the front (street) side and rear elevations of proposed buildings.
- (iii) Public sewer systems.
- (iv) Slopes, terraces, and retaining walls.
- (v) Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
- (vi) Water mains and fire hydrants.
- (vii) Number and size of parking stalls and type of proposed pavement.
- (viii) Number of loading spaces and type of proposed pavement.
- (ix) Plans for collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100-year, base flood elevation if any portion of the site lies within the FEMA-designated special flood hazard area.
- (x) Proposed grading and drainage plan with calculations.
- (xi) Detailed plans for landscaping and required screens.

11-502 B-2 (Central Business) District

A. Uses Permitted

- (a) Retail Sales including: lumber and other building materials; heating and plumbing equipment; paint, glass and wallpaper; electrical supplies, hardware and farm equipment, department stores, mail order houses, variety stores, merchandise vending machine operators, direct selling organizations, dry goods and general merchandise; general stores, groceries and other food related sales; motor vehicles, tires, batteries and automotive accessories; gasoline service stations; other automotive, marine craft and accessories; clothing and accessories; furniture, home furnishings and equipment; household appliances; radios, televisions and music supplies; eating and drinking establishments; drug and properties, liquor, antiques and second hand merchandise; books and stationary; sporting goods and bicycles, farm and garden supplies, jewelry, fuel and ice sales, florist; newspapers and magazines, cameras and photographic supplies; gifts, novelties and souvenirs, optical goods.
- (b) Services including: finance, insurance, and real estate services; laundering, dry cleaning and dyeing services; photographic services, beauty and barber services; funeral and crematory services; apparel repair, alteration and cleaning pickup, shoe repair services; other personal services; business services; automotive and other repair services; medical and other health services; legal services, other professional services, construction services, educational services including nursery services; religious activities; welfare and charitable services; cultural activities and nature exhibits; public assembly fairgrounds, amusement parks and other amusement activities; recreational activities, other cultural, entertainment and recreational activities.
- (c) Wholesale Uses
- (d) Churches, clubs and lodge halls, federal, state, and municipal uses
- (e) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way.
- (f) Public utilities: communications installations and exchanges; electric or gas substations; electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines); water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines); rights-of-way to all modes of transportation; small landscapes, scenically significant open areas, natural reserves, water tanks, water production, treatment facility.
- (g) Any accessory use or building customarily incidental to the above permitted uses.

B. Uses Permitted on Appeal

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

C. Uses Prohibited

- (a) Any use not specifically permitted or permissible on appeal in this section.

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

- (a) Minimum required lot area - No minimum requirement
- (b) Other required lot width at building line - No minimum requirement
- (c) Minimum required front yard - No minimum requirement
- (d) Minimum required rear yard - 10 feet
- (e) Minimum required side yard on each side of lot - No minimum requirement
 - (1) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.
 - (2) Minimum required side yard for side facing street on corner lots - none required, unless side yard has frontage on street of residential uses, in which case a 25 foot side yard is required.
- (f) Maximum permitted height of structures
 - (1) No building or structure shall exceed four stories or forty (40) feet in height. No accessory building shall exceed twenty (20) feet in height.
 - (2) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

11-503. B-3 (Impact Business) Districts.

The Primary purpose of this district is to recognize and allow a limited range of commercial establishments with the potential for high traffic generation. Such districts should be situated in areas of the City having a minimal proximity to religious and educational facilities and residential neighborhoods. Areas zoned B-3 (Impact Business) shall be situated along major thoroughfares, with access to adequate utilities. Within the B-3 (Impact Business) District, the following regulations shall apply.

A. Uses Permitted.

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

B. Uses Permitted on Appeal. Following public notice and hearing and subject to appropriate conditions and safe-guards, the Board of Zoning Appeals may permit:

1. Adult Oriented Businesses: Adult oriented businesses as defined in Chapter 2 of this ordinance may be permitted provided that no Zoning Compliance Permit or Certificate of Occupancy for such use shall be issued without written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and further provided that the Board of Zoning Appeals may not approve such use unless conditions specified in the Sexually Oriented Business Ordinance contained in the Tiptonville Municipal Code are complied with.

C. Uses Prohibited. All uses not specifically permitted herein are prohibited.

D. Minimum Lot Size.

All uses - 1 acre or greater if required by the county environmentalist based on soil characteristics

E. Minimum Lot Width at the Building Line.

All uses - 100 feet

F. Minimum Front Yard Depth.

1. All lots fronting arterial streets - 60 feet
2. All other Lots - 45 feet

G. Minimum Side Yard.

All uses - 20 feet

H. Minimum Rear Yard Depth.

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

I. Maximum Building Coverage (total all buildings).

All uses - Forty (40%) percent

J. Maximum Building Height.

1. Buildings in General: No building shall exceed 35 feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions

of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

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

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

These requirements are specified in Chapter 3.

L. Locations and Standards

1. The Tiptonville Board of Zoning Appeals is hereby mandated to impose the following restrictions on the location of adult entertainment establishments:

- (a) No adult entertainment establishment shall be permitted to locate within (1,000) feet of any pre-established residential use of any zoning district which is zoned for residential use. For the purpose of this section districts zoned for residential use include (R-1, R-2, and R-3).
- (b) No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet from pre-existing public or private school, child-care facility or established place of worship.
- (c) No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet from a public park, public space or other similar open space, which caters to family groups and children.
- (d) No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet from any other adult entertainment business.
- (e) No adult entertainment shall be permitted to locate within one thousand (1,000) feet from any liquor store.

2. For the purpose of this section, measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the proposed building housing the adult entertainment business to the nearest portion of the exterior wall of the existing specified business or land use, or to the nearest residential zoning district line, as appropriate.

M. Exterior Display

No establishment engaging in adult entertainment activities shall display its stock in trade of activities in such a manner as to be in public view from outside the establishment, including but not limited to view from public sidewalks, streets, arcades, exterior hall ways, breezeways or passageways.

N. Signs

Advertising signs or lights for illuminating signs provided that they shall not be placed within the street right-of-way and shall not exceed a maximum height of 20 feet.

O. Procedure and Requirements for a Site Plan

1. Before a permit is issued for any use permitted by right or on appeal, a site plan for the proposed development shall be submitted for review and approval by the Mayor or his designee.

If there are any issues regarding the site plan which cannot be resolved with administrative site plan review, the Mayor or his designee shall act to refer the site plan to the Planning Commission for review and approval. The Planning Commission shall have the power to impose conditions regarding the location of buildings, parking, access fencing, screening, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with existing nearby uses.

2. In order to make an accurate determination of the design and compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan at a scale not less than one (1) inch equals one hundred (100) feet, showing all required design elements of the site including, but not necessarily limited to, the following:
 - (a) a survey plot certified by a registered land surveyor showing land area and all property lines and dimensions, and existing or proposed easements, utilities, right-of-ways street centerlines, drainage ways and other pertinent physical information on or adjacent to the site, provided that the Mayor or his designee may waive the requirement for a certified survey upon finding that existing information for the site allows proper determination and judgement of design;
 - (b) topographic contours at two foot intervals, provided that the Mayor or his designee may waive this requirement upon the finding that drainage elements of the design may be adequately determined and judged from alternate information;
 - (c) location, size and arrangement of proposed buildings and existing buildings, including height in stores and feet, gross floor area in square feet for individual buildings and total for all buildings, and total land area covered by buildings;
 - (e) location and dimensions of all parking spaces, parking drives, sidewalks, and access points to streets;

- (f) any proposed re-grading of the site and any significant natural, topographical or physical features of the site, including at least water courses and large trees;
- (g) existing and proposed surface and subsurface drainage facilities;
- (h) location, size, design and arrangement of all outdoor signs and lighting;
 - (i) landscaping, and the design of any fencing, screening or buffering;
- (j) the name, address, and the telephone number of the applicant, and owner, and preparer of the site plan.

The Planning Commission, upon referral, may make other requirements for information when necessary for the proper review and judgement of the site plan.

3. The Mayor or his designee shall act upon any application within ten (10) working days of receipt of a site plan. Upon referral and first consideration at a scheduled meeting, the Planning Commission shall act upon any application within thirty-five (35) days from the date of the first meeting at which a complete and properly prepared site plan is presented. Failure to act within these time periods shall constitute approval of the site plan, unless an extension is agreed to by the applicant. When a site plan is denied, the reasons for such action shall be stated in writing to the applicant. When a site plan is approved upon referral to the Planning Commission, and such approval is conditioned upon specific revisions or addition of design elements, the conditions shall be stated in writing to the applicant and entered in the official records minutes Planning Commission.
4. Notwithstanding above requirements, the requirement for a formal site plan may be waived by the Mayor or his designee if the floor area added in any one calendar year to existing structures within a single site does not exceed 500 square feet, and the cumulative additions do not encroach upon required parking.

CHAPTER 6

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

11-601. M-1 Industrial Districts

A. Uses Permitted

- (a) Manufacturing, Processing and Fabrication including: food and kindred products; textile and mill products; apparel and other finished products made from fabrics, leather, and similar materials; lumber and wood products; furniture and fixtures; paper; printing, publishing; chemicals; petroleum refining and related industry; rubber and miscellaneous products; stone, clay, and glass products; primary metal industries; fabricated metal products; professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks.
- (b) Transportation, communications, and utilities limited to: motor vehicle transportation, communications, utilities; other transportation, communications, and utilities.
- (c) Wholesale Trade not to include any retail trade.
- (d) Federal, State and Municipal uses.
- (e) Accessory uses customarily incidental to any aforementioned permitted use.

B. Uses Permitted on Appeal

- (a) Any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to those uses in Section A of this Chapter as determined by the Standard Land Use Coding Manual, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.

- C. Uses Prohibited: Any use not specifically permitted by the terms of this chapter on permissible on appeal. The Board of Zoning Appeals shall specifically not have the authority to permit any use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions.

D. Regulations Controlling Lot Area, Lot Width, Yards, Building Height

- (a) All principal buildings and structures shall be located so as to comply with the following minimum requirements:

Minimum required front yard 35 feet

Minimum required rear yard 25 feet

Minimum required side yard
on each side 20 feet

- (b) Minimum required lot area None

- (c) Maximum lot coverage by all building 60%

- (d) No yard will be required for that part of a lot which fronts on a railroad siding.

- (e) Maximum permitted height of structures:

(1) No building shall exceed four (4) stories or forty (40)

(2) No accessory building shall exceed two (2) stories in height.

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

- E. Building Requirements When Lot Adjacent to a Developed Residential District; Where a lot in the industrial district fronts a developed residential district in the rear or on the side of the principal building or use and wherever an industrial building or use, except required off-street parking spaces, is to be within one hundred (100) feet of the residential district, a wall or fence of solid appearance or a tight evergreen hedge shall extend for the full length of the common boundary except for any portion adjacent to or facing the residential district required front yard or within twenty-five (25) feet of the intersection of a driveway centerline and a street line.

- F. Accessory Building and Use: Within the Industrial District, buildings and uses customarily accessory to the principal land use are permitted. Accessory buildings shall not be located in any required front, side or rear yard.

CHAPTER 7_

TIPTONVILLE MUNICIPAL FLOODPLAIN ZONING ORDINANCE F-H FLOOD HAZARD OVERLAY DISTRICT

11-701. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

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

Section B. Findings of Fact

1. The Town of Tiptonville, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the Town of Tiptonville, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. 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, floodproofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

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

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

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

11-702. 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" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

"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 or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and 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" see "Special Flood Hazard Area".

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

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

"Building" 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 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 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 land masses. This peril is not "per se" covered under the Program.

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

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

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

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on

which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

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

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

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

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

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Floodprone 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 and 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 floodplain 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.

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

"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:

1. 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;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or

- a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on 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
 4. Individually listed on the Town of Tiptonville, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. 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 or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

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

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

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, 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 on or after the effective date of the initial 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 on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, 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.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; 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 Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"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 reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

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.

"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, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

11-703. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of the Town of Tiptonville, Tennessee.

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

The Areas of Special Flood Hazard identified on the Lake County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) Number 47095CV000A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47095C0086C, 47095C0087C, 47095C0088C, 47095C0089C, 47095C0176C, and 47095C0177C dated June 4, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

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

Section D. 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.

Section E. 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.

Section F. Interpretation

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

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the 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 Town of Tiptonville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case.

Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Tiptonville, Tennessee from taking such other lawful actions to prevent or remedy any violation.

11-704. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Zoning Compliance Officer is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section B. 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:

1. Application stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in 11-705, Sections A and B.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor

and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

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.

Section C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify 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 submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with 11-704, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with 11-704, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with 11-704, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Tiptonville, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

11-705. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
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;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
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;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

12. All subdivision proposals and other proposed new development proposals shall meet the standards of 11-705, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in 11-705, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than 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 shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in 11-702). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls

shall be provided in accordance with the standards of this section:
“Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in 11-702). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section:
“Enclosures”

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in 11-704, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) 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. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of 11-705, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. 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.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in 11-702).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of 11-705, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick

disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

- 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See 11-705, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in 11-703, 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:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation,

velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Tiptonville, Tennessee and certification, thereof.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-705, Sections A and B.

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

Located within the Special Flood Hazard Areas established in 11-703, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-705, Sections A and B.

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in 11-703, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of 11-705, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in 11-702). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in 11-704, Section B.

Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of 11-705, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Tiptonville, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-705, Sections A and B. Within approximate A Zones, require that those subsections of 11-705 Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in 11-703, 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, in addition to those set forth in 11-705, Sections A and B, apply:

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 as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of 11-705, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together

with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with 11-704, Section B.

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

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

Located within the Areas of Special Flood Hazard established in 11-703, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of 11-704 and 11-705 shall apply.

Section H. Standards for Unmapped Streams

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 11-704 and 11-705.

11-706. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

The Town of Tiptonville, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Tiptonville Board of Mayor and Aldermen.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of seventy-five (\$75) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 15 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Town of Tiptonville, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
 - 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in 11-706, Section A.
- 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.
- 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 Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

11-707. LEGAL STATUS PROVISIONS

Section A. 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 Town of Tiptonville, Tennessee, the most restrictive shall in all cases apply.

Section B. Severability

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.

Section C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the Town of Tiptonville, Tennessee, and the public welfare demanding it.

CHAPTER 8
ENFORCEMENT

SECTION

11-801	Enforcing Officer
11-802	Building Permits and Certificates of Occupancy
11-803	Penalties
11-804	Remedies

11-801 Enforcing Officer. The provisions of this ordinance shall be administered and enforced by a building inspector, appointed by the Tiptonville Board of Mayor and Aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

11-802 Building Permits and Certificates of Occupancy

A. Building Permit Required

It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the Building Inspector has issued a building permit for such work.

B. Issuance of 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, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information for determining whether the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the City of Tiptonville, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction upon payment of the required fee. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.

- (1) The issuance of a permit shall in no case be construed as waiving any provisions of this ordinance.

- (2) A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

C. Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use of structure shall be used until the Building Inspector shall have issued a certification 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 premises 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 certification of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance, or, if such certificate is refused, to state such refusal in writing with the cause.

D. Records

A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector.

E. Permit Fee

A fee will be charged for issuance of a building permit as established by the Board of Mayor and Aldermen.

11-803 Penalties Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and shall be punished as provided by law. Each day such violation continues shall constitute a separate offense.

11-804 Remedies. In case any building, structure or land is used, erected, constructed, reconstructed, repaired, converted, or maintained in violation of this ordinance, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action or proceedings to prevent the occupancy or use of such building.

CHAPTER 9

BOARD OF ZONING APPEALS

SECTION

- 11-901 Creation and Appointment
- 11-902 Procedure
- 11-903 Appeals: How Taken
- 11-904 Power

11-901 Creation and Appointment. The Board of Zoning Appeals shall consist of three members, at least one to whom is a member of the Tiptonville Municipal Regional planning commission. They shall be appointed by the Mayor and confirmed by a majority vote of the Board of Aldermen. The term of membership shall be for one year. Vacancies shall be filled for any unexpired term by the Mayor in confirmation by the Board of Mayor and Aldermen.

11-902 Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record.

11-903 Appeals: How Taken. An appeal to the Board of Zoning Appeals may be taken by any persons, firm or corporation aggrieved, or by a governmental officer, department, 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 of Zoning Appeals 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 appeals was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or by attorney.

11-904 Power. The Board of Zoning Appeals shall have the following powers:

A. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the

Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance, or for interpretation of the zoning map or ordinance.

B. Special Exceptions

To hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.

C. Variances

To hear and decide application for variance from the terms of this ordinance, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property where the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

- (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.
- (2) Before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood.

CHAPTER 10

AMENDMENT

SECTION

11-1001	Right to Petition
11-1002	Application Fee
11-1003	Procedure
11-1004	Planning Commission Review
11-1005	Public Hearing on Proposed Amendment

11-1001 **Right to Petition.** Amendments to the zoning map may be proposed by the Board of Mayor and Aldermen, the planning commission or by any owner of property or his authorized agent (an option holder may petition also provided both he and the owner sign the application), provided, however, that an owner of property or his authorized agent, including option holder, shall not initiate action for any amendment to the zoning map affecting the same parcel more often than once every twelve (12) months. Amendments to the text of this ordinance may be initiated by any citizen of Tiptonville, the planning commission or the Board of Mayor and Aldermen. When the planning commission or the Board of Mayor and Aldermen shall initiate an amendment, the public notice fee, as described below, shall be waived.

11-1002 **Application Fee.** Each application shall be accompanied by a payment determined by the City Recorder to cover the expense of advertising for public hearing. No payment shall be refunded for any reason other than if a public notice is not given (such as, if the application is withdrawn).

11-1003 **Procedure.** Each application shall be accompanied by the following:

1. A plat prepared by a competent professional person showing:
 - (a) All property lines with accurate dimensions;
 - (b) Adjoining streets with right-of-way and pavement widths;
 - (c) Location of building or other structures, easements, etc.;
 - (d) Other pertinent information that the Planning Commission or Board may request in order to properly evaluate the application.

11-1004 **Planning Commission Review.** No such amendment shall become effective unless the same be first submitted for approval, disapproval or

suggestions to the Planning Commission. If the Planning Commission within sixty (60) days disapproved after such submission, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to become effective. If the Planning Commission neither approves or disapproves such proposed amendment within sixty (60) days after such submission, the action on such amendment by said commission shall be deemed favorable.

11-1005 **Public Hearing on Proposed Amendment.** Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Tiptonville, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

CHAPTER 11

LEGAL STATUS PROVISIONS

- 11-1101.** **Conflict with Other Ordinances.** In case of con-flict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Tiptonville, the most restrictive shall in all cases apply.
- 11-1102** **Validity.** If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.
- 11-1103** **Repeal of Prior Ordinance.** The prior Zoning Ordinance of the City of Tiptonville, Tennessee, adopted and as later amended, is hereby repealed on the effective date of this ordinance.
- 11-1104** **Effective Date.** This ordinance shall be in force and effect from and after its passage on the third and final reading and adoption, the public welfare requiring it.

Approved and Certified by Planning Commission:

Secretary of Planning Commission

Chairman of Planning Commission

Approved by the Board of Mayor and Aldermen on final reading:

Mayor

City Clerk

Passed First Reading: _____

Passed Second Reading: _____

Passed Third Reading: _____

CHAPTER 12

PRESERVATION DISTRICT PROVISIONS

11-1201 – Statement of Purpose

Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting.

More specifically, this historic preservation ordinance is designed to achieve the following goals:

- A. Protect, enhance and perpetuate resources which represent distinctive and significant elements of the city's historical, cultural, social, economic, political archaeological, and architectural identity;
- B. Insure the harmonious, orderly, and efficient growth and development of the city;
- C. Strengthen civic pride and cultural stability through neighborhood conservation;
- D. Stabilize the economy of the city through the continued use, preservation, and revitalization of its resources;
- E. Promote the use of resources for the education, pleasure, and welfare of the people of the City Of Tiptonville.
- F. Provide a review process for the preservation and development of the city's resources.

11-1202 – Preservation Commission: Composition And Terms

The city is authorized to establish a preservation commission to preserve, promote, and develop the city's historical resources and to advise the city on the designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by law.

The commission shall consist of five (5) members and which shall consist of a representative of a local patriotic or historical organization; an architect or engineer, if available; a person who is a member of the local planning commission at the time of his/her appointment; and the remainder shall be from the community in general. The position of architect or engineer cannot be filled by a local citizen at the time of adoption.

All members of the commission are appointed by the city and shall serve for designated terms and may be re-appointed, All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation, to the extent available in the community. The city should appoint professional members from the primary historic preservation-related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. The city shall document a “good faith effort” to locate professionals to serve on the commission before appointing lay members. The commission shall also seek the advice, as needed, of professionals not serving on the board.

11-1203 -Powers Of The Commission

- A. The commission shall conduct or cause to be conducted a continuing study and survey of resources within the City of Tiptonville.
- B. The commission shall recommend to the city the adoption of ordinances designating preservation districts, landmarks, and landmark sites.
- C. The commission may recommend that the city recognize sub-districts within any preservation district,
- D. The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource within the preservation districts, landmarks, and landmarks sites.
- E. The commission shall grant or deny Preservation Permits, and may grant Preservation Permits contingent upon the acceptance by the applicant of specified conditions.
- F. The commission does not have jurisdiction over interior arrangements of buildings and structures, except where such change will affect the exterior of the building and structures.

- G. The commission, subject to the requirements of the city, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the city for the purpose of carrying out the provisions of this ordinance.
- H. The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment,
- I. The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land or water for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private dwelling or structure without the express consent of the owner of record or occupant thereof.

11-1204 - Rules Of Order (By-Laws)

To fulfill the purposes of this ordinance and carry out the provisions contained therein:

- A. The commission annually shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.
- B. The commission shall develop and adopt rules of order (by-laws) which shall govern the conduct of its business, subject to the approval of the city. Such rules of order (by-laws) shall be a matter of public record.
- C. The commission shall develop design review guidelines for determining appropriateness as generally set forth in 11-1207 of this ordinance.
- D. The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.
- E. The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of this ordinance and regular meetings shall be scheduled at least once every three (3) months. The chairman or any two (2) members may call a special meeting to consider an urgent matter.

11-1205 – Designation Of Landmarks, Landmark Sites, And Historic Districts

By ordinance, the city may establish landmarks, landmark sites, and preservation districts within the area of its jurisdiction. Such landmarks, landmark sites, or preservation districts shall be designated following the criteria as specified in Section 11-1201.

- A. The commission shall initiate a continuing and thorough investigation of the archaeological, architectural, cultural, and historic significance of the city's resources. The findings shall be collected in a cohesive format made a matter of public record, and made available for public inspection. The commission shall work toward providing complete documentation for previously designated preservation districts which would include:
 - 1. A survey of all property within the boundary of the district, with photographs of each building.
 - 2. A survey which would be in a format consistent with the statewide inventory format of the Historic Preservation Division of the (SHPO).

- B. The commission shall advise the city on the designation of preservation districts, landmarks, or landmark sites and submit or cause to be prepared ordinance to make such designation.

- C. A resource or resources may be nominated for designation upon motion of three members of the commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the commission. The commission must reach a decision on whether to recommend a proposed nomination to the city within six months in the case of preservation. After six months for a district and two months for a landmark or landmark site if no action has been taken by the commission the nomination proceeds to the Planning Commission for their recommendation to the Board.

- D. The commission shall hold a public hearing on the proposed preservation district, landmark, or landmark site. If the commission votes to recommend to the city the designation of a proposed resources, is shall promptly forward to the planning commission its recommendation, in writing, together with an accompanying file.

- E. The commission's recommendations to the city for designation of a preservation district shall be accompanied by:
 - 1. A map of the preservation district that clearly delineates the boundaries.
 - 2. A verbal boundary description and justification.

3. A written statement of significance for the proposed preservation district.
- F. The City Board shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be published in the newspaper published in the city. If a newspaper is not published in the city, then the notice shall be published in a paper published in the county.
- G. Within sixty (60) calendar days after the public hearing held in connection herewith, the city shall adopt the ordinance with such modifications as may be necessary.
- H. Furthermore, the commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and preservation districts. An updated list and map shall be maintained by such agencies and made available to the public.

11-1206 – Preservation Permit

No exterior feature of any resource shall be altered, added to, relocated, or demolished until after an application for a certificate of appropriateness of such work has been approved by the commission. Likewise, no construction, which affects a resource, shall be undertaken without a Preservation Permit. Therefore,

- A. The commission shall serve as a review body with the power to approve and deny applications for Preservation Permits.
- B. In approving and denying applications for Preservation Permits, the commission shall accomplish the purposes of this ordinance.
- C. A Preservation Permit shall not be required for work deemed by the commission to be ordinary maintenance or repair of any resource.
- D. All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations, and the reasons therefore.
- E. Expiration of a Preservation Permit: A Preservation Permit shall expire six (6) months after its issuance EXCEPT THAT a certificate shall expire if work has not begun within six (6) months of its issuance. When a certificate has expired, an applicant may seek a new certificate.
- F. Resubmitting of Applications: Twelve months after denial of an application for a Preservation Permit, the application may be resubmitted without change. A changed application may be resubmitted at any time.

11-1207 – Criteria For Issuance Of Preservation Permits

The commission shall use the Secretary of the Interior's Standards for Rehabilitation, as the basics for Design Guidelines created for each district or landmark and the following criteria in granting or denying Preservation Permits:

A. General Factors:

1. Architectural design of existing building, structure, or appurtenance and proposed alteration;
2. Historical significance of the resource;
3. Materials composing the resource;
4. Size of the resource;
5. The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a preservation district, upon the district as a whole and its architectural and historical character and integrity.

B. New construction:

1. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportion between width and height of the façade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the façade, the materials, the textures, the patterns, the trims, and the design of the roof.
2. Existing rhythm created by existing building masses and spaces between them shall be preserved.
3. The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.
4. No specific architectural style shall be required.

C. Exterior alteration:

1. All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related, as is provided in 11-1208 A and B, and the design, over time, of a building, structure, object, or landscape feature shall be considered in applying these standards.
 2. Exterior alterations shall not adversely affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.
- D. In considering an application for the demolition of a landmark or a resource within a preservation district, the following shall be considered:
1. The commission shall consider the individual architectural, cultural, and/or historical significance of the resource.
 2. The commission shall consider the importance or contribution of the resource to the architectural character of the district.
 3. The commission shall consider the importance or contribution of the resource to neighboring property values.
 4. The commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material, or detail.
 5. Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, if any, as set forth in 11-1208, B, prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction.
 6. Applicants that have received a recommendation for demolition shall be required to receive such demolition permit as well as Preservation Permit for the new construction. Permits for demolition and construction shall not be issued simultaneously.
 7. When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments, and agencies.

11-1208 – Procedures For Issuance Of Preservation Permits

Anyone desiring to take action requiring a Preservation Permit concerning a resource for which a permit, variance, or other authorization from the city building official is also

required, shall make application therefore in the form and manner required by the applicable code section or ordinance. Any such application shall also be considered an application for a Preservation Permit and shall include such additional information as may be required by the commission. After receipt of any such application, the city building official shall be assured that the application is proper and complete. No building permit shall be issued by the city building official that affects a resource without a Preservation Permit. In the event that a building permit need not be obtained for construction, alteration, demolition, or relocation of any resource, a Preservation Permit is still required before such work can be undertaken. Such application shall be reviewed in accordance with the following procedure:

- A. When any such application is filed, the city building official shall immediately notify the commission chairman, vice-chairman, or staff of the application having been filed.
- B. The chairman or vice-chairman shall set the agenda for the regular meeting date or set a time and date, which shall be not later than thirty (30) days after the filing of the application for a hearing by the commission, and the city building official shall be so informed.
- C. The applicant shall, upon request, have the right to a preliminary hearing by the commission for the purpose of making any changes or adjustments, which might be more consistent with the commission's standards.
- D. Not later than eight (8) days before the date set for the said hearing, the city official shall mail notice thereof to the applicant at the address in the application and to all members of the commission.
- E. Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the city at least (number of days to correspond to the newspaper publishing deadlines) days before such hearing and by posting such notice on the bulletin board in the lobby of city hall.
- F. At such hearing, the applicant for a Preservation Permit shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.

- G. The commission shall have the right to conditional approval.

- H. Either at the meeting or within not more than fifteen (15) days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission, giving consideration to the factors set forth in 11-1208 hereof. Evidence of approval of the application shall be by Preservation Permit issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the city building official.

- I. The issuance of a Preservation Permit shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction repair, or demolition.

11-1209 -Economic Hardship

No decision of the Commission shall cause undue economic hardship. If an applicant request a hearing on economic hardship it shall be conducted after a Preservation Permit has been denied.

11-1210 -Appeals

The applicant who desires to appeal a decision by the commission shall file an appeal with the circuit court (after the determination of the issue by the commission) in the manner provided by law.

11-1211 - Minimum Maintenance Requirements

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the city's minimum housing code and the city's building code.

11-1212 – Public Safety Exclusion

None of the provisions of this ordinance shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the city building official or the fire department and where the proposed actions have been declared necessary by such authorities to correct the said condition' provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a preservation district, shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

- A. The city building official concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.

- B. The preservation commission, if in doubt after receiving such notification from the city building official, shall be allowed time to seek outside professional expertise from the State Historic Preservation Office and/or an independent structural engineer before issuing a Preservation Permit for the demolition. The commission may indicate in writing by letter to the city building official that it will require a time period of up to thirty days for this purpose, and upon such notification to the city building official, this section shall be suspended until the expiration of such a delay period.

11-1213 – Enforcement And Penalties

The Historic Preservation Commission shall be enforced by the town building inspector, who shall have the right to enter upon any premises necessary to carry out his duties in this enforcement. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

11-1214 - Appropriations

The city is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties.

11-1215 -Disqualification Of Members By Conflict Of Interest

Because the city may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law, or real estate, and in order not to impair such residents from practicing their trade for hire, members of the commission are allowed to contact their services to an applicant for a Preservation Permit, and, when doing so, must expressly disqualify themselves from the commission during all discussions and voting for that application. In such cases, the city shall, upon the request of the chairman of the commission or the vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member, and who will serve for that particular case only. If no qualified resident of the city is able to substitute for the disqualified member, the city may appoint, in this case only, a qualified substitute who is a resident. If any member of the commission must be disqualified due to a conflict of interest on a regular and continuing basis, the chairman or the vice-chairman, in his stead, shall encourage the member to resign his commission seat. Failing this resignation, and, if the commission member continues to enter into conflict of interest situations with the commission, the chairman or vice-chairman of the commission shall encourage the city to replace the member. Likewise, any member of the commission who has an interest in the property in question or in property within three hundred feet of such a property, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the commission shall be disqualified from participating in the consideration of any request for a Preservation Permit involving such a property. In such cases, a qualified substitute shall be appointed as provided above.

11-1216 -Severability

The requirements and provisions of this ordinance are separable. If any article, section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the court shall not affect the validity or applicability of the ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

**PREPARED
BY THE
TIPTONVILLE MUNICIPAL-REGIONAL PLANNING COMMISSION**

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George Chamberlain
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Phil Vernon**

**ASSISTED BY THE
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
LOCAL PLANNING OFFICE
WEST TENNESSEE REGION
JACKSON, TENNESSEE
DECEMBER, 1987**

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