

CHAPTER I

GENERAL PROVISIONS RELATING TO ZONING

AUTHORITY

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

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

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

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

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

CHAPTER II

GENERAL PROVISIONS

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

11-203. Zoning Affects Every Building and Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

11-204. Continuance of Non-conforming Uses and Structures. It is the intent of this Ordinance to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings and structures so as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, building and structures existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions.

- A. A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alternations required for structural safety.
- B. Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage.
- C. Except as provided in Chapter 279.1 of the 1973 Tennessee Acts, a non-conforming use of land shall be restricted to the area occupied by such use as the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.
- D. An existing non-conforming use of a building or land may be changed to a conforming use or to another non-conforming use of the same classification or a classification less detrimental to the district in which it is located.
- E. No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except as herein provided.
- F. When a non-conforming use of any building; or land has ceased for a period of one (1) year, it shall not be re-established.
- G. Non-conforming, commercial, business, or industrial use created after the passage of Tennessee Acts of 1973, Chapter 279.1 shall be 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 business and that any construction, improvements or requirements in which it is located.

- H. Any nonconforming farm building or farm land use shall be allowed to continue in use, rebuild on existing foundations, expand either use or structure and/or construct new structures provided the provisions of the Adamsville Municipal Zoning Ordinance are met and provided that any expansion, construction or reconstruction shall only be allowed on properties owned at the time of the adoption of this provision or at the time of any subsequent annexation. This shall not allow for the purchase of additional properties for the expansion of such non-conforming use.

The provisions of this section shall be enforced by the Adamsville Board of Zoning Appeals utilizing the following criteria:

1. The farm use of the subject property existed prior to the adoption of this Ordinance or at the time of any subsequent annexation.
2. The proposed farm use expansion meets all applicable rules and regulations of the Tennessee Department of Health and Environment and the McNairy County Department of Public Health.
3. Any structure rebuilt under the provisions of this Ordinance shall be reconstructed on the original foundation without expansion except as provided within the applicable zone provisions.
4. Any new structure or expansion of an existing structure shall be located a minimum of 500 feet from any residential developed or zoned property. The Adamsville Board of Zoning Appeals shall have the authority to require greater setbacks where it is determined that the public health, safety and welfare requires such.
5. That the approval of a request under the provision of this Ordinance will not violate any applicable laws, ordinances, or resolutions of the Town of Adamsville.

11-205. Erection of More than One Principal Structure Per Lot. In any district, more than one structure housing a permitted principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

11-206. Reduction of Lot Area Prohibited. No lot even though it may consist of one or more adjacent lots of record shall be reduced in area so that yards, lot area per family, lot width, building area, or their requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

11-207. Required Yard Cannot be Used by Another Building. No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as part of a yard or other open space required under these regulations for another building.

11-208. Rear Yard Abutting a Public Street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street.

11-209. Corner Lots. On lots located at the intersection of two streets in residential districts, the frontage on both streets shall be considered as front yards, the other two yards shall be considered side yards for the purpose of this Ordinance.

11-210. Obstruction of Vision at Street Intersections Prohibited. No structure, planting, object, or sign which obstructs visibility shall be placed on a corner lot within the area defined by a distance of twenty-five (25) feet along the right-of-way lines of the intersecting streets from their point of intersection at the corner and a line connecting the end points on the right-of-way lines to form an equilateral triangle. Any object 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 centerline thereof shall be deemed as obstructing vision under the provision of this Ordinance. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

11-211. Off-Street Parking Requirements. There shall be provided, at the time of erection of any building, or at the time any principal building is enlarged or increased in capacity, or before conversion from one zoning classification to another, permanent off-street parking areas as specified in this Ordinance. Each permanent off-street parking space shall contain a minimum of two hundred (200) square feet with access of a street or alley. The City reserves the right to control the points of ingress and egress to public streets for private property. Off-street parking areas may be deemed as required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. Off-street parking space shall be provided in accordance with the following minimum requirements:

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| A. | Single and Two Family Dwellings spaces | Two (2) parking |
| B. | Multi-family Dwellings | One and one-half (1 1/2) parking spaces per unit. |
| C. | Boarding and Rooming Houses and Tourist Accommodations | One (1) parking space per unit offered for rent. |
| D. | Office Buildings | One (1) parking space per two hundred (20) square feet of gross floor area. |
| E. | Industrial | One (1) space for each two (2) persons employed computed on the basis of the total number of |

employees on the two largest consecutive shifts. In addition, there shall be a parking space for each vehicle used directly in the conduct of the use.

- F. Retail Uses
One (1) space per each two hundred (200) square feet of gross floor area.
- G. Theaters, Auditoriums, Churches or Other Places of Public Assembly
One (1) space per each five (5) seats provided in such place of assembly.
- H. Public Buildings
One (1) space per each two hundred (200) square feet of gross floor area.
- I. Medical Offices
Three (3) patient parking spaces per each staff doctor, plus two (2) per each three (3) employees plus one (1) per staff doctor.
- J. Funeral Homes
One (1) space for each company vehicle plus one (1) space for each three (3) seats in the auditorium.

Parking space maintained in connection with an existing and continuing main building or structure on the effective date of this Ordinance up to the number required by this Ordinance shall be continued and may not be counted as serving a new structure or addition; nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.

If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance of each principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

11-212. Off-Street Loading and Unloading Space. Every building or structure used for business or trade shall provide adequate space for the loading and 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. Each loading space shall be at least twelve (12) feet wide, fifty (50) feet long with a vertical clearance of at least fourteen (14) feet.

11-213. 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.

- A. A point of access, i.e., a drive or their opening for vehicles into a street shall not exceed thirty (30) feet in width.
- B. There shall be no more than two (2) points of access to any one (1) public street on a lot of less than four hundred (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 section.
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way of any public street intersection.
- D. 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 sidewalks area.
- E. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.
- F. Cases requiring variances relative to this Section, 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-set auto-mobile storage of parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.
- G. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Ordinance whichever is higher.

11-214. Street Frontage. All residential uses must front on a public street for a distance of at least fifty (50) feet.

11-215. Portable Accessory Structures – Portable accessory structures as defined in Chapter IV of this Ordinance shall be permitted as accessory buildings pursuant to the specified yard and lot standards contained in the District Provisions of this Ordinance and further provided that such structures are adequately and securely anchored in accordance with accepted standards of construction practice to prevent displacement and resist lateral movement during severe weather events.

11-216. Provisions Governing Signs

1. Sign Regulations

Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property.

The provisions of this Ordinance are made to establish reasonable and impartial regulations for all exterior signs to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

(a) Definitions

Abandoned/Obsolete Sign – any sign which identifies or advertises a business, leaser, service, owner, product, or activity, which is no longer available at the indicated location or no longer available on the premises or for which no legal owner can be found.

Animated sign – A sign which uses movement or change of light to depict or to create a special effect or scene (does not include time, temperature or message signs_.

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

Awning/Canopy Sign – A sign painted on, printed on, or attached flat against the surface of an awning or canopy projecting from and supported by the exterior wall of a building.

Banner Sign – A sign made of fabric or other non-rigid materials with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Codes Enforcement Officer – The city official or authorized representative charged with the responsibilities of enforcing the chapter.

Canopy – An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Central Business District – The area contained within the B-2 (Central business) district as identified on the Official Zoning Map of Adamsville, Tennessee.

Channel letters - Custom-made metal or plastic letters placed or arranged to make one complete message on the exterior of a building.

Construction Sign – A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Directional/Informational Sign – Any sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which

may contain the name or logo of an establishment but no other advertising copy.

Electronic Message Boards - A sign with a fixed or changing display/message composed of a series of lights that may be changed through electric means at intervals of no less than 8 seconds. A time/temperature sign shall not be considered an electronic message graphics sign.

Flashing Sign – Any directly or indirectly illuminated sign which contains an intermittent flashing light source. This does not include message center or time/temperature signs.)

Governmental Sign: Any sign that advertises or is necessary in the utilization of a city, county, state, or federal use or recognition by the city commission. These signs may be directional in nature and shall only be regulated if stated so specifically in the provisions in this ordinance.

Ground Sign – Any sign supported by the ground with little or no vertical clearance in which has a maximum height of six (6) feet.

Height (of a sign) – The vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Historical Sign - Any sign erected for the purpose of promoting the historical significance of a building or place.

Illegal Sign – Any sign and /or advertising structure erected without a permit required by this Ordinance, or in violation of any of the limitations, prohibitions or requirements of this Ordinance. This includes any sign not specifically listed as a permitted sign in any or all of the zoning districts of Adamsville.

Maintenance – For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mall Grouping signs – Signs on one pole identifying a group of stores, businesses, or professional offices located in one development. These include office center signs and shopping center signs.

Message Board – A sign with changeable, removable letters to allow the user to replace or update the copy on the sign.

Monument Sign - A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Mural - _A painting or other work of art placed directly on a wall for public viewing for the purposes of advertising the community and not that of any particular business.

Nonconforming Sign – (a) Any sign which was erected legally but which does not comply with subsequently enacted sign regulations and restrictions; (b) A sign which does not conform to the Sign Code requirements but for which a variance has been issued. These signs are grandfathered provided they do not violate the provisions of Section 11-15077(b).

Off-Premise Sign or Billboard- A sign not located on the property that it advertises.

Office Center – Two or more offices having a common parking lot.

Owner – The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy on a sign.

Pole Sign – Any freestanding sign in the ground and not attached to any building, in which the bottom portion of the advertising area is elevated a minimum of six (6) feet from ground level.

Political Sign – A sign displaying the name and/or picture of an individual seeking election to a public office or a sign otherwise relating to a forthcoming public election or referendum.

Portable Sign – Any sign which by its construction or nature may be or is intended to be freely moved from one location to another. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags or other types of temporary anchors. Portable signs

Poster Sign - A temporary sign that is generally made of paper, plastic, cardboard or other similar types of material. These signs are not self-supporting and are supported through attachment to other structures.

Projecting Sign – Any sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Public Sign – Any temporary or permanent sign erected and maintained by the City, County, State or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

Real Estate Sign – Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Residential Districts – Any parcel in the City of Adamsville zoned R-1, R-1A, R-2 or R-3.

Roof Sign - Any sign erected, constructed or maintained wholly or partially upon or over the roof line of any building with the principal structural support on the roof or building structure.

Shopping Center – Two or more businesses sharing a common parking lot. This shall include indoor and outdoor malls.

Sign – Any object, device, graphic design or part thereof, situated outdoors or indoors and which object, device, graphic design or the effect produced is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, sound and projecting images. Any sign is considered to be a structure.

Sign Area – (a) Freestanding, Roof and Projecting Signs: The area enclosed by one continuous line, connecting the extreme points or edges of the sign. The area shall be determined using the largest sign area or silhouette, but excluding the necessary supports or uprights. Two-sided signs constructed back to back shall use the square footage of one side only for compliance. Three-sided signs with no more than 60 degrees between the faces shall be figured using one face only. (b) Attached Business, Awning and Canopy Signs: The area including all lettering, wording, and accompanying design or symbols together with any background. For a sign composed of individual letters or figures, the area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

Sign Permit – A written permit granted by the Codes Enforcement officer for the erection, construction, enlargement, relocation or conversion of any sign for which a permit is required.

Subdivision Identification Sign – A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Time and Temperature Sign – Electrically controlled public service time, temperature and date signs displayed on a lamp, bank or other electronic display.

Temporary Sign – Any sign, banner, pennant, valance or advertising display or sign constructed of light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without frames, intended to be displayed for a limited period of time, i.e., garage sale, rummage, open house and similar types of signs.

User – The fee user of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy of a sign.

Vehicle Mounted Sign – Any sign painted on or attached to a vehicle relating to the business, activity, use, service or product of the owner of the vehicle, or to the sale of the vehicle and which sign is incidental to the primary use of the vehicle.

Wall Mounted Sign – See “Attached Sign” definition.

Window Sign – any on-premise business sign installed in or on a window and intended to be viewed from the outside.

2. General Provisions – Within all districts except as herein provided, the following general provisions shall apply to all signs.

(a) Directives

1. All signs shall conform to all the laws and regulations of the City of Adamsville. This shall include signs painted directly on walls.
2. Accessory on-site signs shall be permitted in all districts as provided herein.
 - a. Construction signs (see temporary signs)
 - b. Special events (see temporary signs).
 - c. Real estate signs (see temporary signs).
3. On-premises or off-premises directional signs for City, County, State or Federal uses or public uses such as hospitals, nursing homes, and schools shall be allowed in all districts, but subject to the provisions of this Ordinance.
4. Except for signs located in the B-2 Central Business District or in malls or shopping centers, signs in the front yard, rear yard or side yards shall be located ten (10) feet from any property line. All signs shall conform to the provisions of Section 11-210 “Obstruction of Vision at Street Intersections”.
5. Signs shall be measured as follows:
 - a. mounted or attached signs shall be measured from side to side including mounting frames.
 - b. Painted signs on building walls shall be measured as the area covered by written matter and/or logos or product symbol and shall be measured as square or rectangle encompassing such words or symbols.
 - c. Channel Letters shall be measured as a square or rectangle encompassing all letters and words.
 - d. Pole Signs and Ground Signs shall be measured according to the regulations of the zoning district of which its located.
6. Wall mounted/Attached signs shall be mounted flush with the wall and shall not project at an angle beyond the edge of any walls or structure, except in the B-2 (Central business) district, where these signs shall be allowed subject to the provisions set forth in chapter 2, Section 11-216.3(b).6.

7. Signs proposed of pre-molded materials may deviate as much as five (5) percent from the maximum size requirements as specified by this ordinance.

(b) Restrictions

1. Movement – it shall be unlawful to erect or maintain any sign which moves or has any moving or animated image, flashing lights, or continuously changing message except for electronic message boards compliant with all provisions of this ordinance and signs providing time and temperature readings offered for the observance by the general public.
2. Illumination – it shall be unlawful to erect or maintain any illuminated sign which does not have a light source of continuous intensity and color or which interferes with the read ability of any traffic or safety signs.
3. Official Signs – it shall be unlawful to erect or maintain signs which resemble an official traffic or safety sign and it shall also be unlawful to display the words “Stop”, “Go Slow”, “Caution”, “Danger”, “Warning” or other words commonly used to draw attention to traffic or roadway hazards by governmental or construction signs.
4. Public Property – No signs shall be located on or extend over any public property, right-of-way, or easement except for official signs of City, County, State or Federal origin.
5. Vehicular Signs – any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this chapter. Such signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses, tags, or plates as required by all governmental authorities. This shall not be construed to allow trailers parked for display only.
6. Temporary Signs – No temporary or portable signs as defined in Chapter IV shall be allowed except as set forth herein and which is located on the same property and allowed under the provision of this Ordinance as follows:
 - a. Street banners – it shall be unlawful for any person to have placed across or upon any street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic festival or parade or political elections and shall be allowed 30 days before and 24 hours after the event.
 - b. Posters – shall only be authorized in conjunction with an official, civic, or philanthropic or electoral event and shall be allowed only one month
 - c. Construction – construction signs shall be allowed in all districts during the actual period of construction and shall be limited to size of 64 square feet. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.

- d. Real Estate Signs – Real Estate Signs, not to exceed nine (9) square feet, for advertising the sale, lease or rental of land or buildings shall be permitted in all districts when located on the parcel on which the land or building is offered for sale, lease or rental, or signs no greater than 32 feet in Commercial and Industrial Districts.
- e. Model Signs – Model Signs identifying or directing the public to model units in single family, townhouse, or multi-family developments limited to one sign per model and not exceeding four (4) square feet in area.
- f. Special Events – Civic, philanthropic, or publicly sponsored events shall be allowed one on-site sign 32 square feet in area and two directional signs, each of which may not exceed 16 square feet in area. Such signs shall be allowed seven (7) days prior and 24 hours after said event.

Events consisting of booths, stands or concessions shall be allowed one on-premise sign not to exceed 10 square feet which shall be attached to the booth, stand, or concession. Such sign shall be allowed 7 days prior and 24 hours after said event.

- g. New Business or Ownership – new business or ownership shall be permitted one temporary sign for a period not to exceed 30 days provided the provisions of (b) 1 and 2 above are maintained.
- h. Temporary Poster Sign – Each establishment located in areas zoned commercially or industrially shall be allowed one such sign, not to exceed 50 square feet in size. These signs shall be on-premises signs and shall not be subject to the permit requirements of this ordinance. All poster signs placed on a commercially or industrially zoned property in addition to the one allowed temporary poster sign shall be considered permanent sign structures, shall be subject to permitting requirements and their square footage shall count against square footage requirements already established for wall mounted signs, attached signs, pole mounted signs and ground signs.

7. Off-Premises Signs or Billboards

Only the types of off-premises signs or billboards expressly permitted by this ordinance shall be allowed in any zoning district. Any off-premises sign or billboard that is permitted shall be subject to the height and size requirements that have been specified.

(c) Exemptions

The following signs shall be exempt from the general provisions of this chapter, except provisions governing the placement of signs on public properties, right-of-way or easements or in relation to side or rear property lines or front right-of-way lines. Such sign shall be an on-site sign, with the exception of church signs and subdivision directional signs..

1. Signs less than one square foot which identify street number, owner names and home occupations as allowed herein.
 2. Official national or state flags, properly displayed.
 3. Signs, less than one square foot, identifying merchandise, or manufacturer, offered for sale if a dispensing machine or inside premises or on windows.
 4. Signs wholly within building
 5. Signs not exceeding one square foot noting garage sales providing it is an on-site sign.
 6. Historic or commemorative plaques.
 7. Gravestones
 8. Signs noting direction to, or address of Adamsville churches two (2) signs to be allowed with a maximum size of twelve (12) square feet per facing.
 9. Off-premise directional signs identifying subdivisions, located wholly or partially within the corporate limits of Adamsville or where the subdivision shall consist of a minimum of 5 lots and where the nearest lot of the subdivision shall be no more than 1320 feet, (1/4 mile) from the nearest corporate limit, provided that each subdivision shall be limited to one (1) such sign, which shall be placed on land fronting on an arterial or collector status road. These signs shall be limited to two (2) facings with a total sign area not to exceed 64 square feet. The signs shall be removed after the sale of 75% of the lots in the subdivision it identifies.
 10. Governmental Signs
 11. Signs on public property designed to be viewed by spectators of recreational events, so long as such signs are placed in locations that are not conspicuous from public rights-of-way.
 12. Historical Signs
 13. Murals
3. Special Provisions- The following provision shall regulate signs stating the permitted type, size and placement of signs. regulate signs stating the permitted type, size and placement of signs.
- a. Signs permitted in R-1, R-1A, R-2 and R-3 Districts
 1. On-Premise and Off-Premise Real Estate Signs – not to exceed nine (9) square feet in area.
 2. Temporary Signs – As allowed in Section 11-216.2.(b) (6).
 3. One sign having an area not to exceed 32 square feet identifying each subdivision or multi-family or townhouse development per vehicle entrance. Such sign shall not violate Section 11-216,2,(a), (4) of this Ordinance.
 4. On-site or off-site signs identifying or directing the public to models associated with (3) above shall be allowed but limited

to one sign per model and not exceeding four (4) square feet in area.

5. On-site ground signs for schools, churches, public and semi-public uses not to exceed 32 square feet per side.
6. On-Premise attached signs for schools, churches, public and semi-public uses with size, design, and dimensions to be determined by the Board of Zoning Appeals.
7. On-Premise Pole signs for schools, churches, public and semi-public uses with size, design, and dimensions to be determined by the Board of Zoning Appeals.
8. On-site or off-site signs for recreational uses. Such signs may be directional in nature and shall not exceed 25 square feet in size. Recreational uses may be permitted to have up to three (3) on-site or off-site ground signs.

b. Signs Permitted in B-2 Districts

1. On-site real estate signs not to exceed nine (9) square feet.
2. On-Premise signs mounted or painted on the building. The total allowable area of all signage shall not exceed 50% of the area of the front building face. In the cases of multiple occupants, the above permitted space shall be split among the occupants.
3. On-premise roof mounted signs. The total allowable area of all signage shall not exceed 50% of the area of the front building face. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building face.
4. On-premise roof mounted signs. The total allowable area of all signage shall not exceed 50% of the area of the front building face. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building face.
5. On-premise window signs limited to 2 square feet.
6. On-premise projecting signs limited to 16 square feet, which shall not exceed two (2) feet in horizontal width with the nearest edge of the sign not protruding more than two (2) feet from the adjoining wall.
7. Temporary Signs – As allowed in Section 11-215,2,(b),(6).

c. Signs Permitted in B-1 Districts

1. On-site real estate signs not to exceed 32 square feet.
2. On-Premise signs mounted or painted on the building. The total allowable area of all signage shall not exceed 50% of the

area of the front building face. In the cases of multiple occupants, the above permitted space shall be split among the occupants.

3. On-premise ground signs with a total maximum area of both faces not to exceed fifty (50) square feet. Ground signs shall not exceed 6 feet in height.
4. In instances where malls or shopping centers are established they may have one (1) on-premise ground sign per street frontage with a maximum of 350 square feet and with the sign identifying the shopping center and businesses therein. The mall sign shall have a maximum height of fifteen (15) feet. Each occupant may erect a wall with a maximum 100 square feet.
5. Pole mounted signs with the following standards.
 - a. Pole signs shall be limited to an allowable area per face of 1 square foot per 2 feet of building frontage not to exceed 50 square feet per face and a total sign area not to exceed one-hundred (100) square feet total of all faces.
 - b. Pole signs shall be setback a minimum of fifteen (15) feet from the right-of-way line.
 - c. Pole signs shall have a minimum height of fifteen (15) feet, measured from the surrounding ground level and a maximum height of twenty-five (25) feet.
 - d. Off-Premise Pole Mounted signs may be allowed for properties without road frontage that rely on Access Easements for Vehicular Access.
6. On – premise roof mounted signs. The total allowable area of all signage shall not exceed 100 square feet. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building frontage.
7. On-premise awning signs either mounted or painted on the facial of awnings. The total allowable area of all signage shall not exceed 100 square feet. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building frontage.
8. On-premise window signs limited to 4 square feet.
9. Off-premise directional signs for schools, churches, public and semi-public uses not to exceed 2 square feet.
10. Temporary Signs – As allowed in Section 110215,2,(b), (6).
11. On-Premise electronic message boards in compliance with all applicable provisions of this district.

- d. Signs Permitted in the M-1 and M-2 districts
1. On-Premises or off-premises pole mounted signs with the following standards.
 - a. On-premise or off-premises pole signs shall be limited to an allowable area not to exceed two hundred (200) square feet total of all faces for a sign structure that has one (1) sign attached to it.
 - b. On-premises-premises pole mounted sign structures may be allowed to have a primary sign with two (2) supplementary signs attached to it. The primary sign may not exceed seventy-five (75) square feet in area per facing and shall not exceed one hundred and fifty (150) square feet in total area. The two (2) supplementary signs may not exceed fifty (50) square feet in area per facing and shall not exceed one hundred (100) square feet in total area.
 - c. Pole signs shall be setback a minimum of fifteen (15) feet from the right-of-way line.
 - d. Pole signs shall have a minimum height of fifteen (15) feet, measured from the surrounding ground level and a maximum height of fifty (50) feet.
 - e. Only one pole-mounted sign shall be allowed per property.
 2. On-premises ground signs with a maximum height of 6 ft. or building mounted having a combined allowable not to exceed a total of 100 square feet. Where there is more than one (1) occupant on the site the signage would be divided in proportion to the road frontage or square foot of the establishment whichever is more equitable.
 3. On-premises signs mounted or painted on the building having an allowable area of 150 square feet. If more than one establishment is located on the parcel then the signage will be divided in proportion to the frontage for each establishment or in relation to the sales area if there is not road frontage.
 4. On-premises roof mounted signs. The total allowable area of all signage shall not exceed 300 square feet. In cases of more than one occupant to a property the signage will be divided in proportion to the ratio of the respective building frontage.
 5. Off-premises directional signs for schools, churches, public and semi-public uses not to exceed 2 square feet.
 6. On-premises and off-premises real estate signs not to exceed 32 square feet.
 7. Temporary Signs – As allowed in Section 11-215, 2, (b), (6).
 8. On-premises or off-premises mall grouping signs, not to exceed 100 square feet of total sign area. The sign area shall be divided equally between at least 60 percent of the occupants of the industrial district in which it is located.

9. On-premise electronic message boards in compliance with all applicable provisions of this district.

- e. Signs for Churches and Schools

On-premises signs or bulletin boards shall be permitted for all churches and schools allowed by the provisions of this Ordinance. These signs shall be ground signs, shall not exceed 24 square feet per side and shall not exceed a height of six (6) feet.

4. Non-conforming Signs. Any lawfully erected sign may continue to be maintained exactly as it existed prior to the enactment of these provisions except as provided below.

Non-conforming Signs

1. Shall not be changed to another non-conforming sign.
2. Shall not have new structural members added to increase the size of the sign. A non-conforming sign may add or replace structural members of the sign so as to insure it is not a threat to the public welfare or safety, prolong its useful life, or to maintain aesthetic value.

5. Permits

From and after the effective date of this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, place or convert any sign, without first obtaining a sign permit. A fee of \$25.00 shall be paid by the applicant to the Codes Enforcement Officer prior to the issuance of an on-premise sign permit and a fee of \$75.00 shall be paid by the applicant prior to the issuance of an off-premise sign permit for the construction of a new sign structure. Although a permit is required, there shall be no fee charged to an applicant for a sign permit in which a new sign facing is being placed upon an existing sign structure. A sign permit shall become null and void if work is not commenced within one hundred twenty (120) days from the date of such permit.

(a) Application for Permit

All applications for permits, except permits for temporary signs as discussed in Section 11-215,2,(b), (6) and vehicular signs which shall require no permit, must be reviewed by the Building Inspector and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City of Adamsville including:

- 1 Name and address of owner of the sign.
- 2 Name and address of owner or the persons in possession of the premises where the sign is located or to be located.
- 3 A drawing clear and legible drawn to a scale 1" equal 10 feet with a description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction would require permits, when such signs are on the same premises.
- 4 A drawing showing dimensions, construction, support sizes, electrical wiring and components, material of sign, and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials, and loading shall conform to the requirements of the Southern Standard Building Code (SSBC) as amended.
- 5 Signature of applicant.
- 6 Signature of property owner shall be followed by statement to read as follows.

I am aware and in agreement with the application for the above requested sign. I am aware that provisions of the Adamsville Zoning Ordinance shall revert to me if the applicant should no longer be located at the above address. This responsibility may include penalty fees and removal costs of the sign as required by this Ordinance.

7. Prior to the issuance of a sign permit, a drawing and site plan shall be submitted to the Building Inspector. The Building Inspector will review these items for compliance with the provisions of this Section. Approval of the Building Inspector is required. In the instance of rejection, reasons will be stated in writing.

(b) Temporary Signs

Requests for sign permits for temporary signs (except real estate signs which will require no permit) shall be submitted to the Adamsville Building Inspector and shall include the following:

1. Type of temporary sign.
2. Location of the sign.
3. Size and number of signs.

6. Penalties for Illegal or Abandoned Signs

A sign illegally erected or any sign abandoned from use may be legally removed by order of the City Recorder after written notification to the owner or property owner of fifteen (15) days.

7. Removal of Illegal Signs

The Codes Enforcement Personnel or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this article without giving notice to any party, if such sign is upon the public right of way or upon other public property or poses an immediate threat to public safety.

11-217. Height Requirements for Fences. In general, the provisions of this ordinance shall not regulate the placement or height of fences. But in order to maintain effective line of sight for motorists, it is necessary to regulate the height of fences placed in required front yards. In all zoning districts, no fence may exceed three (3) feet in height when placed inside a front yard setback line. This requirement shall apply equally to corner lots, which contain two (2) front yards or any other lots that have multiple sides of road frontage. There shall be no maximum height requirement for portions of fences not placed inside front yard setback line. All fences must also be five (5) feet from all utility mains.

CHAPTER III
ESTABLISHMENT OF DISTRICTS

11-301. Classification of Districts. For the purpose of this Ordinance, Adamsville, Tennessee, is hereby divided into five (5) districts, designated as follows:

- R-1 Low Density Residential
- R-2 Medium Density Residential
- B-1 General Business
- B-2 Central Business District
- M-1 Industrial

11-302. Boundaries of Districts.

- A. The boundaries of districts in Section 11-401 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Zoning Map of Adamsville, Tennessee," which is a part of this Ordinance and which is on file in the City Hall.
- B. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the centerlines of streets or alleys, railroads 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.
- C. Where a district boundary divides a lot, as existing at the time this Ordinance takes effect and the major portion of said lot is the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restrictive district within said lot.

CHAPTER IV

DEFINITIONS

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions where not inconsistent with the context of the ordinance. The term shall is mandatory. Words used in the present tense shall include the plural and the plural the singular; the word "building" shall include the word "structure". In case of conflict between other ordinance definitions or dictionary definitions with the definitions containing in this ordinance, the definition herein shall prevail.

Alley. Any public or private way set aside for public travel less than twenty (20) feet in width.

Accessory Tower. Any tower that's use is incidental to a primary structure in a district. These towers shall be subject to all provisions of the individual districts in which they are allowed.

Building. Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto and including tents, lunch wagons, dining cars, trailers, billboards, signs and similar structures whether stationary or movable.

Principal Building. A building in which is conducted the principal use of the lot on which it is situated. In any residence district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Accessory Building. A subordinate building, the use of which is incidental to that of a principal building on the same lot. Swimming pools, shall be considered accessory buildings in residential districts.

Temporary accessory buildings in residential districts limited to, inflatable and plastic swimming pools, less than fifteen (15) feet in diameter, trampolines and camping tents shall not be subject to the permitting requirements of this ordinance. These structures shall not count against the maximum lot coverage requirements of the district, in which they are located, but they must adhere to the district's setback requirements.

Clinic. A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions. This includes doctor and dental offices.

Dwelling, Multiple-Family. A building designed to be occupied by more than two families, living independently of each other. Apartment buildings are considered multi-family.

Dwelling, Single-Family. A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling, Townhouse. One of a series of more than two attached single-family dwelling units constructed side by side with a common wall between each two units.

Dwelling, Two-Family. A building designed to be occupied by two families, living independently of each other and having only one wall common to both dwellings.

Dwelling Unit. One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

Family. One (1) or more persons occupying a premises and living as a single non-profit housekeeping unit.

Lot. A piece, parcel or plot of land in one ownership which may include one (1) or more lots of record, occupied or to be occupied by buildings and accessory buildings and include the open spaces required under this Ordinance. All lots shall front on and, have access to a street.

Lot Line. A boundary dividing a given lot from a street, an alley, or adjacent lots.

Lot of Record. A lot, the boundaries of which are filed as a legal record.

Mobile Home. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its wheels or on flatbed or other trailers, built on a chassis or frame, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operation, location on jacks and other temporary or permanent foundations, connection to utilities, and the like. The character of a mobile home as a non-permanent dwelling shall not be changed in the view of this Ordinance by removal of the wheels and/or carriage or placement of a permanent foundation.

A travel trailer is not to be considered as a mobile home.

Mobile Home Park. Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

Non-Conforming Use. A use of a building or land lawful at the time of the enactment of this Ordinance that does not conform with the provisions of its Ordinance for a district in which it is located.

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

Portable or Temporary Sign – Any sign designed to be movable regardless of anchoring. Any sign which conveys its message by means of marquee type changeable copy letters and figures over a translucent white or yellow background which is often accompanied by a directional arrow on top and may be illuminated from within (backlit) and may contain a row of exposed lights around the perimeter frame of the sign. Any sign which visibly resembles such a sign is to be considered a portable sign.

Street. Any public or private way set a side for public travel twenty-one (21) feet or more in width. The word "street" shall include the words "road", "highway", and "thoroughfare".

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

Transient Lodging. A land use that serves in a commercial capacity as a temporary residence. This use shall be limited to hotels, motels and bed and breakfast establishments. Mobile homes shall not be allowed to serve in any way as transient lodging.

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

can operate independent of connections
to eternal sewer, water and electrical systems;

contains water storage facilities and may contain a lavatory,
kitchen sink and/or bath facilities;
and/or

is identified by the manufacturers as a travel trailer.

Travel Trailer Park. The term travel trailer park shall mean any plot of ground within the Town of Adamsville on which two (2) or more travel trailers, occupied by camping or periods not to exceed fourteen (14) days are located.

Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction and visibility.

Front Yard. The yard extending across the entire width of the lot between the front yard line, and the nearest part of the principal building, including covered porches and carports.

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

Side Yard. 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 and carports.

CHAPTER V

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

11-501 R-1 (Low Density Residential) Districts. Within the R-1 (Low Density Residential) Districts, as shown on the Zoning Map of Adamsville, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Single-family dwellings, not to include mobile homes on individual lots.
2. Accessory buildings customarily incidental to any aforementioned permitted uses.
3. 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 fifteen (15) feet from all lot lines.

B. Uses Permitted on Appeal. The uses listed below will be permitted by the Board of Zoning Appeals provided that the use meets all the minimum requirements of this district and has a site plan which is approved by the Board of Zoning Appeals.

1. Churches and other places of worship; parish houses; public libraries; schools offering general education courses; public parks and recreational facilities; municipal, county, state and federal uses; public utilities; cemeteries; hospitals for human care, except primarily for mental cases; daycare facilities; philanthropic institutions; clubs, except a club the chief activity of which is customarily carries on as a business and accessory buildings and uses customarily incidental to the aforementioned uses.
2. Customary incidental home occupations provided that no building 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 provided further that:
 - a. The proposed use shall be located and conducted in the principal building only;
 - b. The principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - c. Not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;

- d. Proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- e. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- f. The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- g. 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;
- h. The provisions of this Section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops or business or professional offices.

3. Accessory Towers provided that the following provisions are met:

- a. No accessory tower shall exceed 50 feet in height.
- b. Only accessory towers which enable incidental radio or television usage for an existing residential structure on the same lot shall be permitted. In no case shall accessory towers be allowed to serve commercial or industrial needs and there shall be no case in which an accessory tower is permitted to be erected on a lot in which a primary structure is not located.
- c. No accessory tower shall be allowed in any required front or side yards.
- d. All accessory towers must meet a property line setback requirement of its height plus ten (10) feet.

C. Accessory Buildings

- 1. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than forty (40) percent of any required rear yard, and shall be at least ten (10) feet from all lot lines and from any other building on the same lot.
- 2. Accessory building on corner lots shall conform with front yard setbacks for both intersecting streets.
- 3. No accessory building shall exceed twenty (20) feet in height.

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

1. Minimum required lot area.

Dwelling units	6,000 sq. ft.	
Churches	Two (2) acres or two hundred (200) sq. ft. of lot area per auditorium seat, whichever is greater.	
Schools	Five (5) acres plus one (1) acre for each one hundred (100) students.	
Other Uses	As required by the Board of Zoning Appeals	

2. Minimum required lot width at the building line.

Dwelling units	Eighty (80) feet	
Churches	One hundred (100) feet.	
Other Uses	As required by the Board of Zoning Appeals	

3. Minimum required front yard

Dwellings units	Twenty-five (25) feet.	
Churches	Thirty (30) feet	
Other Uses	Thirty (30) feet or more as required by the Board of Zoning Appeals.	

4. Minimum required rear yard

Dwellings	Thirty (30) feet.	
Churches	Twenty-five (25) feet	
Other Uses	Fifteen (15) feet or more as required by the Board of Zoning Appeals.	

5. Minimum required side yard on each side of lot

Dwelling:	Fifteen (15) feet	
Churches	Twenty-five (25) feet	
Other Uses	Ten (10) feet or more as required by the Board of Zoning Appeals	

- 6. Minimum required side yard for side facing street on corner lots Thirty (30) feet
- 7. Maximum lot coverage by all buildings
 - Dwelling and Accessories Thirty (30) percent
 - Churches Twenty-five (25) percent
 - Other Uses Thirty (30) percent or less as required by the Board of Zoning Appeals.
- 8. Maximum permitted height of structures

No lot shall exceed three (3) stories or thirty-five (35) feet in height.

11-501.1 R-1A (Medium Density Single-Family Residential) Districts

A. Uses Permitted

- 1. Single-family dwellings, not to include mobile homes on individual lots.
- 2. Accessory buildings customarily incidental to any aforementioned permitted uses.
- 3. 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 fifteen (15) from all lot lines.

B. Uses Permitted on Appeal. The uses listed below will be permitted by the Board of Zoning Appeals provided that the use meets all the minimum requirements of this district and has a site plan which is approved by the Board of Zoning Appeals.

- 1. Churches and other places of worship; parish houses; public libraries; schools offering general education course; public parks and recreational facilities; funeral homes; municipal; state, county or federal uses; public utilities; cemeteries; hospitals for human care except primarily for mental cases; day care facilities; philanthropic in institutions; clubs, except as club the chief activity of such is customarily carried on as a business and accessory building and uses customarily incidental to the aforementioned uses.
- 2. Customary incidental home occupations provided that no building 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 provided further that:

- a. The proposed use shall be located and conducted in the principal building only;
- b. The principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;
- c. Not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
- d. Proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- e. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- f. The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- g. 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;
- h. The provisions of this Section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops or business or professional offices.

C. Accessory Buildings

1. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than forty (40) percent of any required rear yard and shall be at least ten (10) feet from all lot lines and from any other building on the same lot.
2. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.
3. No accessory building shall exceed twenty (20) feet in height.

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

1. Minimum required lot area.
Dwelling units 6,000 sq. ft. f

	Churches	Two (2) acres or two hundred (200) sq. ft. of lot area per auditorium seat, whichever is greater.
	Schools	Five (5) acres plus one (1) acre for each one hundred (100) students.
	Other Uses	As required by the Board of Zoning Appeals
2.	Minimum required lot width at the building line.	
	Dwelling units	Eighty (80) feet
	Churches	One hundred (100) feet.
	Other Uses	As required by the Board of Zoning Appeals
3.	Minimum required front yard	
	Dwellings units	Twenty-five (25) feet
	Churches	Thirty (30) feet
	Other Uses	Thirty (30) feet or more as required by the Board of Zoning Appeals.
4.	Minimum required rear yard	
	Dwellings units	Fifteen (15) feet
	Churches	Twenty-five (25) feet
	Other Uses	Fifteen (15) feet or more as required by the Board of Zoning Appeals
5.	Minimum required side yard on each side of lot	
	Dwellings units	Fifteen (15) feet
	Churches	Twenty-five (25) feet
	Other Uses	Ten (10) feet or more as required by the Board of Zoning Appeals
6.	Minimum required side yard for side facing street on corner lots	Thirty (30) feet

7. Maximum lot coverage by all buildings

Dwelling and Accessories	Thirty (30) percent
Churches	Twenty-five (25) percent
Other Uses	Thirty (30) percent or less as required by the Board of Zoning Appeals.

8. Maximum permitted height of structures

No building shall exceed three (3) stories or thirty-five (35) feet in height.

11-502. R-2 (Medium Density Residential) Districts. Within the R-2 (Medium Density Residential) Districts as shown on the Zoning Map of Adamsville, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. Single-family, Two-family, Townhouses, Multiple-family dwellings.
2. Accessory buildings customarily incidental to any aforementioned permitted use.
3. 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 Permitted on Appeal

The uses listed below will be permitted by the Board of Zoning Appeals provided that the use requested meets all the minimum requirements of this district and has a site plan which meets the requirements set forth in this Ordinance and which is approved by the Board of Zoning Appeals.

1. Churches and other places of worship; parish houses; public libraries; schools offering general education course; public parks and recreational facilities; funeral homes; municipal; state, county or federal uses; public utilities; cemeteries; hospitals for human care except primarily for mental cases; day care facilities; philanthropic institutions; clubs, except as club the chief activity of such is customarily carried on as a business and accessory building and uses customarily incidental to the aforementioned uses.

2. Customary incidental home occupations provided that no building 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 provided further that:

- a. The proposed use shall be located and conducted in the principal building only;
 - b. The principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - c. Not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
 - d. Proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - e. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - f. The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - g. 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;
 - h. The provisions of this Section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops or business or professional offices.
3. Accessory Towers provided that the following provisions are met:
- a. No accessory tower shall exceed 50 feet in height.
 - b. Only accessory towers which enable incidental radio or television usage for an existing residential structure on the same lot shall be permitted. In no case shall accessory towers be allowed to serve commercial or industrial needs and there shall be no case in which an accessory tower is permitted to be erected on a lot in which a primary structure is not located.
 - c. No accessory tower shall be allowed in any required front or side yards.
 - d. All accessory towers must meet a property line setback requirement of its height plus ten (10) feet.

C. Accessory Buildings

1. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than forty (40) percent of any required rear yard, and shall be at least ten (10) feet from all lot lines and from any other building on the same lot.
2. Accessory building on corner lots shall conform with front yard setbacks for both intersecting streets.
3. No accessory building shall exceed twenty (20) feet in height.

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

1. Minimum required lot area.

Dwelling units	6,000 sq. ft. for the first dwelling unit plus 2,500 sq. ft. for each additional dwelling unit.
Churches	Two (2) acres or two hundred (200) sq. ft. of lot area per auditorium seat, whichever is greater.
Schools	Five (5) acres plus one (1) acre for each one hundred (100) students.
Other Uses	As required by the Board of Zoning Appeals
2. Minimum required lot width at the building line.

Dwelling units	Eighty (80) feet
Churches	One hundred (100) feet.
Other Uses	As required by the Board of Zoning Appeals
3. Minimum required front yard

Dwellings units	Twenty-five (25) feet
Churches	Thirty (30) feet
Other Uses	Thirty (30) feet or more as required by the Board of Zoning Appeals.

4. Minimum required rear yard

Dwellings	units	Fifteen (15) feet
Churches		Twenty-five (25) feet
Other Uses		Fifteen (15) feet or more as required by the Board of Zoning Appeals

5. Minimum required side yard on each side of lot

Dwellings	units	Fifteen (15) feet
Churches		Twenty-five (25) feet
Other Uses		Ten (10) feet or more as required by the Board of Zoning Appeals

6. Minimum required side yard for side facing street on corner lots

		Thirty (30) feet
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7. Maximum lot coverage by all buildings

Dwelling and Accessories		Thirty (30) percent
Churches		Twenty-five (25) percent
Other Uses		Thirty (30) percent or less as required by the Board of Zoning Appeals.

8. Maximum permitted height of structures

No building shall exceed three (3) stories or thirty-five (35) feet in height.

11-503. R-3(Mobile Home Residential) District. Within the R-3 (Mobile Home Residential) Districts as shown on the Zoning Map of Adamsville, Tennessee, the following regulations shall apply:

A. Intent

The intent of the R-3 (Mobile Home Residential) District is to provide areas for high density mobile home parks. These areas should be served by all municipal services.

B. Uses Permitted

1. Single-family mobile homes in mobile home parks.

2. Mobile home park offices
 3. Accessory buildings and accessory uses customarily incidental to the permitted uses.
 4. 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 and at least six (6) feet from all lines and from the street right-of-way.
 5. Single-Family Dwelling
 6. Mobile Homes on individual lots
 7. Travel trailer parks; provided they comply with all state laws pertaining to travel trailer courts and all other city codes and ordinances pertaining to mobile home parks.
- C. Uses Permitted on Appeal - None
- D. Uses Prohibited - Any use not specifically permitted in section 503.B or in section 503.D.
- E. Required Lot Area, Lot Width, Yards, and Setbacks - Buildings hereafter constructed shall be so located as to comply with the following minimum requirements.
1. Minimum Lot Area

a. Mobile home parks	5 Acres
b. Mobile homes (in mobile home parks)	4,500 sq. ft.
c. Single-Family Dwellings	6,000 sq. ft.
d. Mobile homes (on individual lot)	6,000 sq. ft.
 2. Minimum Lot Width at the Building Line

a. Mobile home parks	100 ft. for the overall development
b. Mobile homes (in mobile home park)	20 ft. per mobile home
c. Single-Family Dwelling	80 ft.
d. Mobile home (on individual lot)	80 feet
 3. Minimum Required Front Yard

a. Mobile home parks	25 ft. for the overall development
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- b. Mobile homes (in mobile home park) 20 ft. per mobile home space
- c. Single-Family Dwelling 25 ft.
- d. Mobile home (on individual lot) 25ft.

4. Minimum Required Side Yard

- a. Mobile home parks 25 ft.for the overall development
- b. Mobile home (in mobile home park) 10 ft. per mobile home space
- c. Single-family Dwelling 15ft.
- d. Mobile home (on individual lot) 15 ft.

5. Minimum Required Rear Yard

- a. Mobile home parks 25 ft.for the overall development
- b. Mobile homes 10 ft. per mobile home space
- c. Single-family dwelling 15 ft.
- d. Mobile home (on individual lot) 15 ft.

F. Maximum Number of Principal Buildings Permitted - Uses shall have no limitations on the number of principal buildings per lot provided that the lot area and the yard requirements are met.

G. Height Regulations - No building shall exceed three (3) stories or thirty-five (35) feet in height.

H. Parking Requirements - Off-street parking space shall be provided on the same lot as the principal building(s) in accordance with Section 211.

I. Accessory Buildings and Uses -

1. Accessory buildings and uses shall include private garages, swimming pools, carports and accessory uses customarily incidental to the previously permitted uses.

2. No accessory building or use shall be erected in any required front or side yard.

3. Accessory buildings or uses shall not cover more than forty (40) percent of any required rear yard and shall be at least five (5) feet from all lot lines, recorded easements or other buildings on the same lot.

4. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

5. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

J. Development Requirements All mobile homes in the Town of Adamsville must meet certain development requirements. A site plan for the proposed mobile home park must be submitted to the Planning Commission and must adhere to the following requirements.

1. Mobile Homes Parks Screening - There must be screening along the side and the rear lot lines. The screening must either be a five (5) foot wide green strip with evergreen plants at least five (5) feet tall or a fence with a minimum height of six (6) feet. The fence shall be designed to totally block visibility of the development when the viewer is moving. The Planning Commission may waive the screening requirements for some or all of the proposed development if they feel that the development area is already adequately screened by topographic features or by existing natural features.

2. Mobile Home Space - The site plan shall show that there is a lot for each mobile home with minimum amount of area as set forth in Section 503.E.1. Each space shall front on a street which is part of the mobile home system.

3. Mobile Home Pads - All mobile homes moved into any mobile home park, existing or new, after the effective date of this Ordinance shall be under-skirted to prevent the accumulation of refuse and rodents.

4. Street System

A. The internal street system shall consist of, at a minimum, gravel surfaced streets that have surface of a minimum of twenty-two (22) feet measured from the edge of the surface to the edge of the surface.

B. The construction standards for the streets are: The grade shall consist of six (6) inches of compacted chert or gravel.

5. Water Line Requirements - Water lines shall be a minimum of six (6) inches looped for adequate water pressure and fire protection with fire hydrants being located every five hundred (500) feet. The water system shall be designed in accordance with the same standards that are required in the Town's Municipal Subdivision Regulations.

6. Sewer Line Requirements - Sewer lines shall be a minimum of four (4) inches, with four (4) inch force mains where applicable, designed in accordance with the same standards that are required in the Town's Municipal Subdivision Regulations.

7. Parking Requirements - All mobile home lots or spaces shall provide a minimum of four hundred (400) square feet or parking area.
8. Drainage Plan Requirements - A drainage plan shall be submitted to and approved by the Town's Public Works Director.
9. Recreational Facilities - For all mobile home parks and including phased developments, recreational space and facilities shall be provided and approved as part of the overall development. The recreational space shall constitute fifteen (15) percent of the required minimum lot area as set forth in Section 503.E.1. of this article and shall be landscaped, lighted and furnished appropriate to the anticipated clientele, i.e., including playground equipment when children are anticipated. The Planning Commission shall have the authority to modify this proposed recreational space and facilities so as to reasonable serve the anticipated residents.
10. Regulations Governing the Establishment of Mobile Home Parks
- A. Prior to the issuance of a building permit for the construction of mobile home parks, the developer shall submit a site plan to the Planning Commission for review and approval. The site plan shall include the following:
1. The location of the mobile home park.
 2. The proposed design including streets, proposed street names, lot lines, approximate dimensions, easements, land to be reserved or dedicated for public uses and any land used for purposes other than mobile home spaces.
 3. The provisions for water supply, sewerage and drainage.
 4. The location of each mobile home lot and mobile home pad.
- B. The Planning Commission may require modification of the site plan with respect to the following items to ensure that the proposed project is compatible with and does not adversely affect the adjacent properties:
1. The relocation of drives and parking areas.
 2. The requirement of increased lot areas and/or increased setbacks.
 3. The requirements of additional screening.
 4. The alteration of building locations.
- C. 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 the design of access points or other features as may be required to protect the neighborhood from traffic congestion or other undesirable conditions, which may include but not be limited to, the arrangement of structures, parking or other facilities, required screening, vegetative buffers, fencing, the location and content of the required recreational facilities and the provision of landscaping.

- D. The Planning Commission shall not have the power to regulate the architectural style of buildings or of 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.
11. Licenses and License Fees
- A. It shall be unlawful for any person to maintain or to operate, within the Town of Adamsville, any mobile park unless such person first obtains a license for that park.
- B. Licenses shall not be transferred.
- C. The annual license fee for such mobile home parks shall be established by the Adamsville Board of Commissioners.
- D. The license shall be conspicuously posted in the office of, or on the premises of the mobile home park at all times.
12. Application for Licenses - Applications for a mobile home license shall be filed with and issued by the Building Inspector. Applications shall be in writing, shall be signed by the applicant and shall contain the following:
- A. The name and address of the applicant.
- B. The location and a legal description of the mobile home park.
- C. A valid state permit issued by the Tennessee Department of Environment and Conservation.
- D. A site plan in accordance with Section 503.J.10 drawn to a scale of one hundred (100) feet to one (1) inch. The plan shall show buildings and structures, streets, existing road ways, utilities, the location of pads and individual mobile home spaces.
- F. Any further information as may be requested by the Building Inspector to enable him to determine if the proposed park will comply with legal requirements.
13. Issuance of License- The Building Inspector and the County Health Inspector shall inspect the development for conformance with the provisions of this Ordinance, the approved site plan and the health and environmental laws. If such development conforms to these requirements, the applicant shall be issued a license.
14. Revocation of License - The Building Inspector shall make periodic inspections of the park to ensure compliance with this Ordinance. In a case of non-compliance with any provisions of this Ordinance, the Health Officer and/or the Building Inspector shall serve warning to the licensee. Thereafter, upon failure to the licensee to remove said violation, the Health officer and the Building Inspector shall have the authority of

renovation have been remedied and the park can be operated and maintained in full compliance with the law.

15. Register of Mobile Homes - It shall be the duty of the licensee to keep a register containing a record of all mobile home owners, located within the park. The park shall keep the register available, at all times, for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register of records shall not be destroyed for a period of three (3) years following the date of registration. The register shall contain the following information:
 - A. The make, model and year of all of the park's mobile homes.
 - B. The owner and/or person leasing of each mobile home.
 - C. The dates of arrival and/or departure of each mobile home.
- K. Non-conforming Mobile Home Parks - All additions or improvements to an existing non-conforming mobile home park must be conforming with these regulations.

CHAPTER VI

PROVISIONS GOVERNING BUSINESS DISTRICTS

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

A. Uses Permitted

1. Retail trade establishments which supply merchandise such as but not limited to: building materials; hardware; groceries; dairy products; motor vehicles and accessories; apparel and accessories; furniture and home furnishings; appliances; drugs; antiques; books; stationery; sporting goods; farm and garden supplies; jewelry; gifts and restaurants.
2. Services establishments which provide financial, business, professional, personal or repair services such as but not limited to: banks; insurance and real estate offices; barber shops; beauty shops; funeral homes; tailor shops; apparel repair shops; employment agencies; radio and television repair shops; laundry and drycleaning; service stations facilities; medical and legal offices; and animal hospitals.
3. Churches and other places of worship.
4. Municipal, county, state and federal uses.
5. Cultural activities such as but not limited to: libraries; museums; art galleries and nature exhibits.
6. Amusements and Recreational activities such as but not limited to: miniature golf courses; bowling lanes; commercial parks and theaters.
7. Public assembly facilities such as but not limited to: auditoriums; exhibit halls and stadiums.
8. Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way, nor shall they be lighted by rotating lights.
9. Any accessory use or building customarily incidental to the above permitted uses.
10. Transient Lodging
11. Day Care Facilities

B. Uses on Appeal

1. Single family dwellings and duplexes provided that the following conditions are met:
 - (a) Any structure that has served as a single family dwelling or a duplex previously shall be allowed to be used again as a single family dwelling or a duplex.
 - (b) Any structure that has not served previously as a single family dwelling or a duplex shall not be allowed to be used as a single family dwelling or a duplex.
2. Residential apartments as an accessory use provided the following conditions are met:
 - (a) Apartments shall be an accessory use to a permitted commercial or service use.
 - (b) Apartments shall be located above the ground floor or behind the primary structure fronting a street and contain a separate outside entrance.
 - (c) No more than two (2) apartments shall be allowed in any one (1) building.
 - (d) Adequate parking shall be accessible within 200 feet of the apartment.
 - (e) Any apartment to be developed shall not be less than 500 square feet in area.
 - (f) The character of the building as a commercial structure shall not be changed by the addition of the residential use. This shall not prohibit building improvements designed to enhance the architectural character of the building.
 - (g) An accurate and scaled site plan shall be presented to the Board of Zoning Appeals. Compliance with the Southern Standard Building Code, the 101 Life Safety Code and all other applicable fire, electrical and plumbing codes at the time of issuance of the Certificate of Occupancy.

C. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height

1. Minimum required lot area

Churches	15,000 sq. ft. or two hundred (200) sq. ft. of lot area per auditorium
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| | | seating space which-ever is greater. |
| | Other uses | No minimum requirements |
| 2. | Minimum required lot width at the building line | |
| | Gasoline service station | One hundred twenty (120) feet |
| | Churches | One hundred (100) feet |
| | Other Uses | No minimum requirements |
| 3. | Minimum required front yard | |
| | All uses | Twenty-five (25) feet |
| 4. | Minimum required rear yard | |
| | All uses | Twenty (20) feet |
| 5. | Minimum required side yard on each side of lot | |
| | Churches | Twenty-five (25) feet |
| | Other Uses | Fifteen (15) feet |
| | "On lots adjacent to residential district, all buildings shall be located so as to comply with the yard requirements of the adjacent residential district." | |
| 6. | Minimum required side yard for side facing street on corner lots
feet | Twenty-five (25) |
| 7. | Installations essential to the business operation shall be set back from the street or alley so that any service rendered by the business will not obstruct a public way. | |
| 8. | Maximum permitted height of structures. | |
| | No building shall exceed thirty-two (32) feet in height or forty (40) feet if the portion of the building exceeding thirty-two (32) feet is equipped with Automatic Sprinkler System. No accessory building shall exceed twenty (20) feet in height. | |

D. Procedure for approval

Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Codes Enforcement Officer. The Codes Enforcement Officer shall have the power to impose conditions regarding the location of the buildings on the site the location and the design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with the existing nearby uses. The Codes Enforcement Officer shall reserve the right to refer approval of any site plan to the Planning Commission, who shall be vested with the same authorities as the Codes Enforcement Officer, regarding site plan review, upon referral.

1. In order that the Codes Enforcement Officer may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, a scale of not less than 100 feet to 1 inch, illustrating the proposed development including, but not limited to the following:
 - a. A drawing to scale showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets, and roadway; rail right-of-way and public rights-of-way crossing and adjacent not the subject property.
 - b. Location, size, and arrangement of proposed buildings and existing buildings which will remain, including height in stories and in feet, gross floor area in square feet for individual buildings and the total for all buildings.
 - c. The proposed use of the land and the buildings;
 - d. The location, the dimensions, and the number of all vehicular and all pedestrian circulation elements, including driveway, entrances, driving aisles, sidewalks, and parking spaces;
 - e. Any proposed re-grading of the site and any significant natural, topographical, or physical features of this site, including at the least, water courses and trees;
 - f. Existing and proposed surface and subsurface drainage facilities;
 - g. The location, the size and the arrangement of all outdoor signs and outdoor lighting;
 - h. Landscaping and the location and the height of fences or screening plats and the type or kind of building materials or planning to be used for fencing or screening;
 - i. When required by law or if required by the Planning Commission a drainage analysis, a soils analysis, and a geologic analysis shall be prepared by a licensed qualified

professional in the field and submitted to the Planning Commission prior to review of the site.

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

A. Uses Permitted

1. Retail trade establishments of a small scale which do not require outside display and storage or merchandise which supply merchandise such as but not limited to: groceries; dairy products; baked goods, automobile accessories; apparel and accessories; furniture and home furnishings; appliances; drugs; books and stationery; sporting goods; jewelry; and flowers and gifts.
2. Service establishments which provide financial, business, professional, personal and repair services such as but not limited to: banks; insurance and real estate offices; barber shops; beauty shops; apparel repair shops; laundry and dry cleaning facilities; clinics and medical offices; law offices; educational services; radio and television repair shops; furniture repair shops; and service stations.
3. Churches and other places of worship.
4. Clubs and lodge halls.
5. Municipal, country, state and federal uses.
6. Advertising signs and advertising structures or lights for illuminating signs or buildings, providing that they shall not be placed within the street right-of-way, nor shall they be lighted by rotating lights.
7. Any accessory use or building customarily incidental to the above permitted use.
8. Transient Lodging

B. Uses Permitted on Appeal

- a. Residential apartments provided the following conditions are met:
 1. Apartments shall be an accessory use to a permitted commercial or service use.
 2. Apartments shall be located above the ground floor or behind the primary structure fronting a street and contain a separate outside entrance.,
 3. No more than two (2) apartments shall be allowed in any one (1) building.

4. Adequate parking shall be accessible within 200 feet of the apartment.
5. Any apartment to be developed shall not be less than 500 square feet in area.
6. The character of the building as a commercial structure shall not be changed by the addition of the residential use. This shall not prohibit building improvements designed to enhance the architectural character of the building.
7. An accurate and scaled site plan shall be presented to the Board of Zoning Appeals. Compliance with the Southern Standard Building Code and all other applicable fire, electrical and plumbing codes at the time of issuance of the Certificate of Occupancy.

C. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Heights

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| 1. | Minimum required lot area | No minimum requirements |
| 2. | Minimum required lot width at the building line | No minimum requirements |
| 3. | Minimum required front yard | No minimum requirements, however, new buildings shall be constructed equal to or at an average with existing structures. |
| 4. | Minimum required rear yard | No minimum requirements, however, new buildings shall be constructed equal to or at an average with existing structures. |
| 5. | Minimum required side yard | No minimum unless the lot is adjacent to a residential district in which case the side yard requirements of that district shall apply. |
| 6. | Maximum permitted height of structures. | |

No building shall exceed thirty-two (32) feet in height or forty (40) feet if the portion of the building exceeding thirty-two (32) feet is equipped with Automatic Sprinkler System. No accessory building shall exceed twenty (20) feet in height.

D. Procedure for Approval

1. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Codes Enforcement Officer. The Codes Enforcement Officer shall have the power to impose conditions regarding the location of the buildings on the site the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with the existing nearby uses. The Codes Enforcement Officer shall reserve the right to refer approval of any site plan to the Planning Commission, who shall be vested with the same authorities as the Codes Enforcement officer, regarding site plan review, upon referral.
1. In order that the Codes Enforcement Officer may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, a scale of not less than 100 feet to 1 inch, illustrating the proposed development including, but not limited to the following:
 - a. A drawing to scale showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets, and roadway; rail right-of-way, and public rights-of-way crossing and adjacent to the subject property;
 - b. Location, size, and arrangement of proposed buildings and existing buildings which will remain, including height in stories and in feet, gross floor area in square feet for individual buildings and the total for all buildings;
 - c. The proposed use of the land and the buildings;
 - d. The location, the dimensions, and the number of all vehicular and all pedestrian circulation elements, including driveway, entrances, driving aisles, sidewalks, and parking spaces;
 - e. Any proposed re-grading of the site and any significant natural, topographical, or physical features of this site, including at the least, water courses and trees;
 - f. Existing and proposed surface and subsurface drainage facilities;
 - g. The location, the size, and the arrangement of all outdoor signs and outdoor lighting;
 - h. Landscaping and the location and the height of fences or screening plats and the type or kind of building materials or planning to be used for fencing or screening;
 - i. When required by law or if required by the Planning Commission a drainage analysis, a soils analysis, a geologic analysis shall be prepared by a licensed qualified professional in the field and submitted to the Planning Commission prior to review of the site.

CHAPTER VII

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

11-701. M-1 (Light Industrial) Districts. Within the M-1 (Industrial) Districts as shown on the Zoning Map of Adamsville, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. All manufacturing services uses, except for meat products manufacturing, rubber based manufacturing of artificial leather and oil cloth, lumber and wood products, not including furniture and fixtures manufacturing, paper and allied products manufacturing, petroleum refining and related industries rubber and miscellaneous plastic products manufacturing, stone, clay, and glass manufacturing, primary metal industries, including blast furnaces, steel works, and the rolling and finishing of ferrous metals, fabricated metal products manufacturing, non-electrical machinery manufacturing, and transportation equipment manufacturing.
2. All transportation, all communications, and all electric, gas, and water utilities and irrigation uses.
3. All wholesale trade uses and all retail uses, except for automotive wrecking and storage areas (junk yards).
4. Auditoriums, exhibition halls, and parks.
5. All resource production and extraction uses, except for mining activities and related services.
6. All undeveloped land and water areas uses except for man made open water areas.
7. Any accessory use or building incidental to the above uses.
8. Trade Schools
9. Service Uses limited to: medical health services, dry cleaning, warehousing and storage (not to include junk yards), repair services (not to include junk yards) and construction contracting services.

B. Uses Prohibited

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

C. Procedure for Approval

1. Before a permit is issued for any permitted use listed above, where the proposed structure is less than 20,000 sq. ft., a site plan of the proposed development shall be reviewed and approved by the Codes Enforcement Officer. The Codes Enforcement Officer shall have the power to impose conditions regarding the location of the buildings on the site the location and design of parking and access facilities. Fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with the existing nearby uses. The Codes Enforcement Officer shall reserve the right to refer approval of any site plan to the Planning Commission, who shall be vested with the same authorities as the Codes Enforcement Officer, regarding site plan review, upon referral.
2. Before a permit is issued for any permitted use listed above, where the proposed structure is greater than 20,000 sq. ft., a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site the location and design of parking and access facilities. Fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with the existing nearby uses.
3. In order that a determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, seven (7) days prior to the regular meeting, a scale of not less than 100 feet to 1 inch, illustrating the proposed development including, but not limited to the following:
 - a. A survey showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets, and roadway; rail right-of-way, and public rights-of-way crossing and adjacent to the subject property.
 - b. Location, size, and arrangement of proposed buildings and existing buildings which will remain, including height in stories and in feet, gross floor area in square feet for individual buildings and the total for all buildings.
 - c. The proposed use of the land and the buildings;
 - d. The location, the dimensions, and the number of all vehicular and all pedestrian circulation elements, including driveway, entrances, driving aisles, sidewalks, and parking spaces;
 - e. Any proposed regrading of the site and any significant natural, topographical, or physical features of this site, including at the least, water courses and trees;

- f. Existing and proposed surface and subsurface drainage facilities;
- g. The location, the size, and the arrangement of all outdoor signs and outdoor lighting;
- h. Landscaping and the location and the height of fences or screening plats and the type or kind of building materials or planning to be used for fencing or screening;
- i. When required by law or if required by the planning commission a drainage analysis, a soils analysis, and a geologic analysis shall be prepared by a licensed qualified professional in the field and submitted to the Planning Commission prior to review of the site.

D. Regulations Controlling Yards and Building Heights

- 1. Minimum required front yard

All uses	Thirty-five (35) feet
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- 2. Minimum required rear yard

All uses	Twenty-five (25) feet
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- 3. Minimum required side yard on each side of lot.

All uses	Twenty-five (25) feet except on lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of adjacent residential district on the side adjacent to the residential district.
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Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

- 4. Maximum permitted height of structures.
 - a. No building shall exceed four (4) stories or thirty-five (35) feet in height except as provided below.
 - b. Free standing poles, spires, towers, antennae and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinance, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

- c. Manufacturing and warehouse uses may be allowed to exceed the height limitations set forth in (e) (1) provided the following criteria are met:

The total height may not exceed sixty (60) feet and shall be located a distance equal to its own height plus ten (10) feet from the nearest property line.

Any construction exceeding thirty-five (35) feet shall be constructed of nonflammable materials, nor shall it include any habitable or office space.

E. Periphery Buffering and Screening

In addition to meeting the yard requirements, the developer must provide adequate buffering and screening as required by the Planning Commission. The screening should be suitable to prevent the physical encroachment of the M-1 development on the adjacent district. The screening shall be provided in the form of fencing, hedges, bushes, trees, or other buffering/screening materials as determined appropriate by the Planning Commission.

11-702. M-2 (Heavy Industrial) Districts. Within the M-2 (Heavy Industrial) Districts as shown on the Zoning Map of Adamsville, Tennessee, the following regulations shall apply:

A. Uses Permitted

1. All manufacturing services uses.
2. All transportation, all communications, and all electric, gas, and water utilities and irrigation uses.
3. All wholesale trade uses and all retail uses, except for automotive wrecking and storage areas (junk yards).
4. Auditoriums, exhibition halls, and parks
5. All resource production and extraction uses, except for mining activities and related services.
6. All undeveloped land and water areas used except for man made open water areas.
7. Any accessory use or building incidental to the above uses.

B. Uses Permitted on Appeal

1. Auto wrecking yard or storage areas (junk yards), providing the Board of Zoning Appeals shall consider at least the following factors before granting approval:
 - a. The proposed use must front on a street of no lower classification than collector.
 - b. Must be an appropriate distance (as determined by the Board of Zoning Appeals) from all residential districts.
 - c. Adequate screening (as determined by the Board of Zoning Appeals) must be provided.
2. All sewage and solid waste disposal uses.
3. Adult oriented businesses as defined in Chapter 4 of this ordinance may be permitted, provided that they are no closer than 1,500 feet from a church, school or place of public assembly or residence: and provided that no Zoning Compliance Permit or Certificate of Occupancy for such use shall be issued unless conditions specified in the Sexually Oriented Business Ordinance incorporated in the Adamsville Municipal Code are complied with.

C. Uses Prohibited

Any use not specifically permitted or permissible on appeal in this chapter

D. Procedure for Approval

1. Before a permit is issued for any permitted use listed above, where the proposed structure is less than 20,000 sq. ft., a site plan of the proposed development shall be reviewed and approved by the Codes Enforcement Officer. The Codes Enforcement Officer shall have the power to impose conditions regarding the location of the buildings on the site the location and design of parking and access facilities. Fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with the existing nearby uses. The Codes Enforcement Officer shall reserve the right to refer approval of any site plan to the Planning Commission, who shall be vested with the same authorities as the Codes Enforcement Officer, regarding site plan review, upon referral.
2. Before a permit is issued for any permitted use listed above, where the proposed structure is greater than 20,000 sq. ft., a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site the location and design of parking and access facilities. Fencing and

screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with the existing nearby uses.

3. In order that a determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, seven (7) days prior to the regular meeting, a scale of not less than 100 feet to 1 inch, illustrating the proposed development including, but not limited to the following:
 - a. A survey showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets, and roadway; rail right-of-way, and public rights-of-way crossing and adjacent to the subject property.
 - b. Location, size, and arrangement of proposed buildings and existing buildings which will remain, including height in stories and in feet, gross floor area in square feet for individual buildings and the total for all buildings.
 - c. The proposed use of the land and the buildings;
 - d. The location, the dimensions, and the number of all vehicular and all pedestrian circulation elements, including driveway, entrances, driving aisles, sidewalks, and parking spaces;
 - e. Any proposed regrading of the site and any significant natural, topographical, or physical features of this site, including at the least, water courses and trees;
 - f. Existing and proposed surface and subsurface drainage facilities;
 - g. The location, the size, and the arrangement of all outdoor signs and outdoor lighting;
 - h. Landscaping and the location and the height of fences or screening plants and the type or kind of building materials or planning to be used for fencing or screening;
 - i. When required by law or if required by the planning commission a drainage analysis, a soils analysis, and a geologic analysis shall be prepared by a licensed qualified professional in the field and submitted to the Planning Commission prior to review of the site.

E. Regulations Controlling Yards and Building Heights

1. Minimum required front yard:

All uses	Thirty-five (35) feet
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2. Minimum required rear yard:

All uses Twenty-five (25) feet

1. Minimum required side yard:

All uses Twenty-five (25) feet, except on lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district on the side adjacent to the residential district.

Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

2. Maximum permitted height of structures:

- a. No building shall exceed four (4) stories or thirty-five (35) feet in height, except as provided below.
- b. Free standing poles, spires, towers, antennae and similar structures may exceed the height provisions provided that they comply with the provisions of all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
- c. Manufacturing and warehouses uses may be allowed to exceed the height limitations set forth in (e)(1) provided the following criteria are met:
 1. The total height may not exceed sixty (60) feet and shall be located a distance equal to its own height plus ten (10) feet from the nearest property line.
 2. Any construction exceeding thirty-five (35) feet shall be constructed of non-flammable materials, nor shall it include any habitable or office space.

F. Periphery Buffering and Screening

In addition to meeting the yard requirements, the developer must provide adequate buffering and screening as required by the Planning Commission. The screening should be suitable to prevent the physical encroachment of the M-2 development on the adjacent district. The screening shall be provided in the form of fencing, hedges, bushes, trees, or other buffering/screening materials as determined appropriate by the Planning Commission.

CHAPTER VIII

PROVISIONS GOVERNING FLOOD HAZARD (F-H) DISTRICTS

AN ORDINANCE ADOPTED PURSUANT TO SECTIONS 13-7-201 THROUGH 13-7-210 OF THE TENNESSEE CODE ANNOTATED FOR THE PURPOSE OF AMENDING THE ADAMSVILLE, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING THE FLOODPLAIN AREAS OF ADAMSVILLE, TENNESSEE TO MINIMIZE DANGER TO LIFE AND PROPERTY. THIS ORDINANCE SHALL BE INCORPORATED INTO THE ADAMSVILLE MUNICIPAL ZONING ORDINANCE AS CHAPTER VIII.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Tennessee Code Annotated 13-7-201 through 13-7-211 Delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Adamsville, Tennessee Mayor and its Legislative Body does ordain as follows:

Section B. Findings of Fact

1. The Adamsville Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of Adamsville 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, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to 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 floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
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 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 floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area and
8. To maintain eligibility for participation in the National Flood Insurance Program.

ARTICLE II. 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 it's most reasonable application given its stated purpose and objectives.

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

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

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered **"New Construction"**.

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

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

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

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

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

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See **"Structure"**)

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

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

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

"Erosion" means the process of the gradual wearing away of 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 first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

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

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

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

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

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

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

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

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

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

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

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of **"flooding"**).

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

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

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

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied

by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on 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 a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

"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"**, unless such transportable structures are placed on a site for 180 consecutive days or longer.

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

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

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

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

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the

first floodplain management ordinance and includes any subsequent improvements to such structure.

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

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

"100-year Flood" see **"Base Flood"**.

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

"Recreational Vehicle" means a vehicle which is:

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; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, 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 the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

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

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

"Substantial Improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

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

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

ARTICLE III. GENERAL PROVISIONS

Section A. Application

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

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

The Areas of Special Flood Hazard identified on the McNairy County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS) 47109CV0000A and Flood Insurance Rate Map (FIRM), Community Panel Number Panel Number 47109C0134F; 47109C0142F; 47109C0144F; 47109C0161F; 47109C0163F; 47109C0256F; 47109C0257F; 47109C0259F; 47109C0276F; 47109C0278F; effective: December 2, 2008 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 City of Adamsville, 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. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Adamsville, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Building Official 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 BFE's are available, or to 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 flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.

- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Article IV. Section B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

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

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

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

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article IV. Section B.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Article IV. Section B.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article IV. Section B.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

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

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

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings 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; and,
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.

Section B. Specific Standards

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

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Article V. Section B.

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

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

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

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

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
 - 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. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V. Section B. of this Ordinance.
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, including elevations and anchoring.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or

other foundation elements) at least three (3) feet in height above the highest adjacent grade.

- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of Article V. Section B. 4 of this Ordinance.
- 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 on identified flood hazard sites 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.
 - 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

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

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

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

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

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments 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, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V.

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

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

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

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

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

1. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article V, Section B, and "Elevated Buildings".

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

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

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

2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

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

Located within the areas of special flood hazard established in Article III. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article IV. And Article V. Section A. shall apply.

Section H. Standards for Unmapped Streams

Located within Adamsville, 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. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Board of Zoning Appeals

1. The Adamsville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

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

3. Appeals: How Taken

An appeal to the 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 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 \$50.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The 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 30 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 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 the 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 Adamsville 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 (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals

may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

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

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
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 level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

CHAPTER IX

EXCEPTIONS AND MODIFICATIONS

11-901. Lot of Record. Where the 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 Appeal for a variance from the terms of this Ordinance, in accordance with Section 11-1004. Permission to use such lot as a building site may be granted, however, providing that the yards and other requirements of the districts are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

11-902. Front Yard. The front yard requirements established in the residential districts may be adjusted in situations where the enforcement of the yard requirements would create yard measurements different from those measurements existing for previously developed surrounding properties.

Where a new building will be constructed within 100' or less of existing buildings with equal front yard setbacks the required front yard for the new building shall be the same as that for the existing buildings.

Where the new building will be constructed within 100' or less of existing buildings with varying front yard setbacks, the required front yard for the new building shall be the average of the front yard setbacks of the existing buildings, but not less than the minimum specified in the respective district regulations.

Where a new building will be constructed more than one-hundred (100) feet from the existing buildings the required front yard for the new building shall not be less than the minimum specified in the respective district regulations.

CHAPTER X
ENFORCEMENT

11-1001. Enforcing Officer. The provisions of this Ordinance shall be administered and enforced by a Building Inspector appointed by the Board of Mayor and Commissioners who shall have the power to make inspection of buildings and premises necessary to carry out his duties in the enforcement of this Ordinance.

11-1002. 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 building, 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 of the lot of all buildings to be erected, altered or moved and of any buildings already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as setforth in the application are in conformity with the provisions of this Ordinance and other ordinance of the Town of Adamsville, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. 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 waving any provision 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 the date on the project described therein.
- C. **Certificate of Occupancy.** No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or 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 certificate 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 sate 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.

11-1003. Penalties. Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

11-1004. Remedies. In case any building or structure is erected constructed, reconstructed, repaired, converted, or maintained or any building, structure, or land is used in the 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 in proceeding to prevent the occupancy or use of such building, structure or land.

CHAPTER XI

BOARD OF ZONING APPEALS

11-1101. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Adamsville Board of Zoning Appeals shall consist of five (5) members, who shall serve for a period of four (4) years. Each member shall be appointed by the Mayor and with the consent of the Commissioner. One member shall, by elevation of the remaining members of the Board, be elected as Chairman.

11-1102. 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 procedure and shall keep records of applications and action thereon, which shall be a public record.

11-1103. Appeals: How Taken. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any department, board or bureau affected by any grant or refusal of a building permit or other act of decision of the Building Inspector of the municipality or other administrative official based in whole or 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, an application fee of \$50.00. the Building Inspector shall transmit to the Board all papers constituting the record upon which action appealed 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 hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or attorney.

11-1104. Powers. The Board of Zoning Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the building inspector or other administration official in the refusal carrying out or enforcement of any provision of this Ordinance.
- B. To permit the extension of a district for a distance of not more than twenty-five (25) feet where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this Ordinance.
- C. To interpret the Official Zoning Map where questions of designation arise.
- D. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation, or condition of such piece of property, the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of such property, to authorize, upon appeal relating to said property, variance from such strict application so as to relieve such difficulties or hardship,

provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. Financial disadvantage to the property owner is not sufficient proof or hardship. Before a variance is granted it shall be shown that there are circumstances attached to the property which do not generally apply to other property in the neighborhood.

E. Allow in accordance with the following procedure the uses designated as permitted on approval of the Board of Zoning Appeals provided that:

1. All provisions set forth in the appropriate zoning district are met and
2. All special provisions set forth in this section are met.

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

The site plan shall:

1. Be drawn to a scale of 1" = 100'
2. Include the following:
 - a. Existing roads.
 - b. The zoning of adjacent tracts.
 - c. Proposed curb cuts, drives, parking area and drainage.
 - d. The names of the owners of all adjoining lots or tracts.
 - e. Building lines and the location of all structure.
 - f. Landscaped buffer areas and planting screens to protect adjoining property.
 - g. Proposed lighting and measures taken to prevent its adverse impact on adjoining property.

The Board of Zoning Appeals may refer the site plan to the Planning Commission for a review and recommendation, but shall act on the application within thirty (30) days of submission.

CHAPTER XII

AMENDMENT

11-1201. Zoning Amendment Petition. The Board of Mayor and Commissioners of Adamsville, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this Ordinance. Any member of the Board of Mayor and Commissioners may introduce such amendment, or any official board of any other person may present a petition to the Board of Mayor and Commissioners requesting an amendment or amendments to this Ordinance.

11-1202. Planning Commission Review. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the City Planning Commission. If the City Planning Commission, within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Commissioners to become effective. If the City Planning Commission neither approves nor disapproves such proposed amendment within thirty-five (35) days after such submission, the absence of action shall be considered as approval of the proposed amendment.

11-1203. Public Hearing on Proposed Amendment. Upon the introduction of an amendment to this Ordinance or upon the receipt of a petition and application fee of \$50.00 to amend this Ordinance, the Board of Mayor and Commissioners 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 Commissioners on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Adamsville, Tennessee. Said hearing by the Board of Mayor and Commissioners shall take place not sooner than fifteen (15) days after the date of publication of such notice.

CHAPTER XIII

LEGAL STATUS PROVISIONS

11-1301. 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 Adamsville, the most restrictive shall in all cases apply.

11-1302. Validity. In any section, provision, clause or portion of this Ordinance shall be held to be invalid or unconstitutional by any court or 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.

11-1303. Effective Date. This Ordinance shall take effect and be in force fifteen (15) days for and after its passage, the public welfare demanding it.

**ZONING ORDINANCE
ADAMSVILLE , TENNESSEE**

Updated January, 2009

9/6/2018

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