

ORDINANCE NUMBER _____

ARTICLE I

TITLE, PURPOSE AND ENACTMENT

**ORDINANCE TO ADOPT A REPRINTING OF THE CURRENT ALGOOD ZONING
ORDINANCE INCLUDING AMENDMENTS ADOPTED FOR 2007**

WHEREAS, Algood, Tennessee, first adopted zoning regulations in the late 1960's, adopted revised zoning ordinances in the 1970's, 1980's, 1990's, and early 2000.

WHEREAS, since 2000, Algood, Tennessee, has enacted amendments to the text of the zoning ordinance, and

WHEREAS, the 2007 document and amendments thereto have been compiled into a reprinting, and

WHEREAS, the reprinted Zoning Ordinance, consisting of text, is recommended for adoption by the Algood Regional Planning Commission.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALGOOD, TENNESSEE, THAT:

SECTION I: The reprinted Zoning Ordinance is hereby adopted, with the text of the Zoning Ordinance on the following pages.

SECTION II: This Ordinance shall become effective 10 days after final passage.

DATE OF RECOMMENDATION BY PLANNING COMMISSION: _____

DATE OF PUBLIC NOTICE OF PUBLIC HEARING: _____

DATE OF PUBLIC HEARING: _____

PASSED FIRST READING: _____

PASSED SECOND READING: _____

MAYOR OF ALGOOD

ATTEST:

CITY CLERK

ARTICLE II

DEFINITIONS

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- The word **person** includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 - The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - The word **shall** is mandatory, the word **may** is permissive.
 - The words **used** or **occupied** include the words "intended, designed, or arranged to be used or occupied."
 - The word **lot** includes the words "plot" or "parcel."
1. **ACCESSORY USE OR STRUCTURE:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
 2. **ALLEY:** A narrow service way providing a secondary public means of access to abutting properties.
 3. **BUFFER STRIP OR SCREENING:** A greenbelt not less than ten (10) feet shall be provided between incompatible land uses. Such a greenbelt strip shall be composed of one of the following: a. One (1) row of evergreen trees 5'-6' ft. in height (Pines semi-sheared - not natural) spaced not more than sixteen (16') feet apart; b. Two (2) rows of evergreen and deciduous shrubs (70% evergreen) 3'-4' feet in height installed and spaced no more than five (5') feet apart. Shrubs to grow to a height of at least five (5') feet or more after one (1) full growing season of which the shrubs will eventually grow to a height of not less than six (6') feet. **[Amended 2005]**
 4. **BUILDABLE AREA:** The portion of a lot remaining after required yards have been provided.
 5. **BUILDING:** Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure.
 6. **BUILDING, HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.
 7. **DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one family, including bedroom(s), bathroom(s), kitchen and living room.
 - **DWELLING, SINGLE-FAMILY:** A detached residential dwelling unit designed for and occupied by one family only, not including a factory manufactured single-wide mobile home.
 - **DWELLING, TWO-FAMILY:** A building designed for, containing and/or occupied exclusively by two (2) families living independently of each other. Units may be for sale or for rental.

- **DWELLING, MULTI-FAMILY:** A residential building designed for, containing and/or occupied by three (3) or more families with the number of families in residence not exceeding the number of dwelling units provided. Units may be for sale or for rental.
8. **FAMILY:** One or more persons occupying a single dwelling unit, provided that the family group consists of all members related by blood or marriage, or consists of five (5) or fewer persons not related by blood or marriage. However, domestic servants employed on the premises may be housed on the premises without being counted as a family member.
 9. **HOME OCCUPATION:** A customary home occupation is a gainful occupation or profession conducted by one or more members of a family residing on the same premises and conducted entirely within the dwelling. In connection with a home occupation, no stock in trade shall be displayed outside of the dwelling, and no attention to any building shall indicate from the exterior that the building is utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.
 10. **LOADING SPACE, OFF-STREET:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
 11. **LOT:** A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings and including the open spaces required in this Ordinance.
 - **LOT FRONTAGE:** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under **Yards** in this section.
 - **LOT DEPTH:** Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - **LOT WIDTH:** Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80 percent requirement shall not apply.
 - **LOT OF RECORD:** A lot which is either part of a subdivision recorded in the office of the County Registrar, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
 - **CORNER LOT:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
 - **INTERIOR LOT:** A lot other than a corner lot with only one frontage on a street.

12. **MINI-WAREHOUSES:** *SEE SELF-SERVICE STORAGE FACILITY.*
13. **MOBILE HOME:** A factory-manufactured, transportable, single family dwelling unit, single-wide on single chassis, suitable for year-round occupancy and containing water supply, waste disposal, and electrical conveniences.
- **TRAVEL TRAILER:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet. May also include a recreational vehicle or motor home which may be wider.
14. **MOBILE HOME PARK:** A contiguous parcel of land which has been developed for the placement of two (2) or more mobile homes, and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.
15. **NON-CONFORMING USE:** A building, structure or use of land existing and legal at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.
16. **NURSING OR CONVALESCENT HOME:** A structure where elderly or infirmed persons are housed or lodged and furnished with meals and nursing care for hire. See also Residential Home for Aged.
17. **PARKING SPACE:** An off-street space available for the parking of one (1) motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.
18. **PLANNED RESIDENTIAL DEVELOPMENT:** An apartment or townhouse complex, condominiums or other special housing development, where two (2) or more housing units are grouped together in two (2) or more buildings, are either sold or rented, with or without accessory structures providing recreational, cultural or other activities for residents therein.
19. **RESIDENTIAL HOME FOR AGED:** A home which accepts aged persons for relatively permanent, domiciliary care, providing room, board and personal services to one or more nonrelated persons and is licensed by State of Tennessee. Domiciliary care shall include a furnished room (or unfurnished apartment), bath facilities, acceptable meal service, linen service, periodic observation and appropriate personal assistance when requested or needed, but does not provide nursing services. Also known as "Assisted Living facility".
20. **SELF-SERVICE STORAGE FACILITY:** A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses for self-service storage of personal property.
21. **SIGN:** Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word **sign** includes the word "billboard," but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.
- **SIGN, OFF-PREMISE OUTDOOR ADVERTISING OR BILLBOARD** shall mean any outdoor sign, display, figure, painting, drawing, message, or billboard which is

designed, intended or used to advertise or inform or otherwise directs attention to a business, commodity, service or activity generally conducted, sold or primarily offered elsewhere than upon the premises where such sign is located.

- **SIGN, ON-PREMISE OR BUSINESS** shall mean a sign which advertises the business or other activity conducted on or principal products sold on the property upon which the sign is located, and may be attached to a building or permanently attached to the ground.
22. **SPECIAL EXCEPTION:** A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exceptions is made in this Ordinance.
23. **STREET LINE:** The right-of-way line of a street.
24. **STRUCTURE:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.
25. **TELECOMMUNICATION SUPPORT STRUCTURE OR SUPPORT STRUCTURE:** Any structure or building other than a tower which can be used for location of Telecommunication Facilities. [Amended 2002]
26. **TELECOMMUNICATION TOWER OR TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, personal communications service (PCS) towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for residential, non-commercial individual use, such as television antennas, satellite dishes, or amateur radio antennas. [Amended 2002]
27. **VARIANCE:** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
28. **WAY:** A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
29. **YARD:** A required open space unoccupied and unobstructed by any structure or portion of a structure from 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 of visibility.

- **FRONT YARD:** The yard that is situated between the lot frontage and a line connecting the parts of the building setting back from and nearest to such street line, and extending to the side lines of the lot.
- **REAR YARD:** The yard that is situated between the rear line of the building and the rear line of the lot and extending the full width of the lot.
- **SIDE YARD:** The yard that is situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ARTICLE III

NON-CONFORMING LOTS AND USES OF LAND

Any non-conforming use which existed lawfully at the time of enactment of this Ordinance, and which remains non-conforming and any use which shall become non-conforming upon enactment of this Ordinance or any future amendments may be continued subject to the following:

SECTION 1 NON-CONFORMING LOTS OF RECORD

Lot Size: In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area and/or width that are generally applicable in the district. However, the yard dimensions and other requirements other than area and/or width shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Zoning Appeals.

If two or more lots, or combinations of lots and portions of lots with continuous frontage in single ownership, are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel of the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

SECTION 2 NON-CONFORMING STRUCTURES

A. CHANGING NON-CONFORMING USES

1. General Provisions

- A change in use includes a change to another use of either the same activity type or any other activity type.
- A change in occupancy or ownership by itself shall not constitute a change of use.

2. Change to a Conforming Use

- A non-conforming use may be changed to any conforming use, and the applicable regulations and off-street parking requirements shall apply to new conforming use or to any alterations made in order to accommodate the new conforming use.
- Once a non-conforming use is changed to a conforming use, such use shall not be changed in the future back to a non-conforming use.

3. Change to Another Non-Conforming Use

A non-conforming use may be changed to another non-conforming use provided that:

- The Board of Zoning Appeals must grant approval.
- The degree of non-conformity or non-compliance is not increased;

- The new non-conforming use will be less detrimental to the surrounding neighborhood than the existing use;
- All materials or products accessory to the use are stored within an enclosed building or a solid “privacy” fenced area;
- Accessory signs for such use must meet the district requirements.

B. EXPANSION OF NON-CONFORMING COMMERCIAL AND INDUSTRIAL USES

In accordance with *Tennessee Code Annotated*, Section 13-7-208, non-conforming industrial, commercial or business uses may construct additional facilities that would allow the operations of the establishment to be expanded provided there is enough space to meet the area requirements of the district on property already owned by such industry or business. Acquisition of additional land for the purpose of expanding the existing industry or business shall not be permitted, as specified in *TCA* 13-7-208.

C. DESTRUCTION AND RESTORATION OF NON-CONFORMING USES

1. Non-conforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business in accordance with the regulations specified in *Tennessee Code Annotated*, Section 13-7-208. If such use is destroyed by fire or another natural disaster, it may be reconstructed in accordance with 13-7-208.
2. Reconstruction of a residential structure, except a single-wide mobile home, located in any commercial or industrial district, which is destroyed by fire or other disaster, is permitted within 12 months of disaster upon review and approval by Board of Zoning Appeals and must meet all current requirements of that district.
3. In the R-1 & R-2 Districts, a factory-manufactured single-wide mobile home mounted on a single-chassis can be replaced with a site-built house or with a new factory-manufactured double-wide multi-section or modular dwelling unit. (1998)

D. DISCONTINUANCE

1. When a non-conforming use is discontinued for a period of one (1) year, then the land, building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision. (1991)
2. In the R-1 & R-2 Districts, a factory-manufactured single-wide mobile home mounted on a single-chassis can be replaced with a site-built house or with a new factory-manufactured double-wide multi-section or modular dwelling unit. (1998)

ARTICLE IV
ZONING DISTRICTS AND MAP

SECTION 1 ESTABLISHMENT OF ZONING DISTRICTS

The City of Algood is hereby divided into the following zoning districts:

- R-1 Low Density Residential District**
- R-2 Medium Density Residential District**
- R-3 High Density Residential District**
- RD Single Family and Duplex Residential District**
- C-A General Commercial**
- C-B Central Business District**
- C-C Planned Commercial**
- I-1 Light Industrial**
- I-2 Heavy Industrial**

SECTION 2 PROVISION FOR OFFICIAL ZONING MAP

The City is divided into zones, or districts, as shown on the Official Zoning Map, which is adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Recorder, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in Article I of the Zoning Ordinance of the City of Algood, Tennessee," together with the date of the adoption of this Ordinance.

In accordance with the provisions of this Ordinance and Sections 13-7-201 through 13-7-210, *Tennessee Code Annotated*, changes will be made in district boundaries or other matter portrayed on the Official Zoning Map and will be made on the Zoning Map promptly after the amendment has been approved by the Board of Mayor and Aldermen. Changes of any nature can only be made to the Zoning Map or matter shown thereon in conformity with the procedures set forth in this Ordinance and in TCA. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided in this Ordinance. Regardless of the existence of various copies of the official zoning map which may, from time to time, be made or published, the official Book of Ordinances located in the office of the City Recorder shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the city.

SECTION 3 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior zoning map. The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but changes and corrections cannot have the effect of amending the original zoning ordinance. The new official zoning map shall be identified by the signature of the mayor, attested by the city recorder, and bear the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official map adopted _____, as part of the Zoning Ordinance of the City of Algood, Tennessee".

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

SECTION 4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- Boundaries indicated as approximately following the platted lot lines shall be construed as following such lot lines.
- Boundaries indicated as approximately following city limits shall be construed as following city limits.
- Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water, shall be construed to follow such center lines.
- Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Zoning Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
- Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Zoning Appeals shall interpret the district boundaries.

SECTION 5 APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, specifically:

- No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- No building or other structure shall hereafter be erected or altered that exceeds the height restrictions, occupies a greater percentage of lot area, accommodates or houses a greater number of families, or has narrower or smaller rear yards, front yard, side yards, or other open spaces than herein required, or in any other manner is contrary to the provisions of this Ordinance
- No part of a yard or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Ordinance, shall be used as part of a yard, open space, or off-street parking or loading space for another building or use.
- No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension of area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

- All territory which may hereafter be annexed to the city shall be considered by the Planning Commission and assigned an appropriate classification based on the existing land use, the long-range plans of the community, and the land use of the contiguous property inside the previous city limits.

ARTICLE V

SPECIFIC DISTRICT REGULATIONS

SECTION 1 R-1 -- LOW DENSITY RESIDENTIAL

A. GENERAL DESCRIPTION

The purpose of the R-1 district is to provide a low density residential environment having good access to schools, public water, sewerage, and other community services, but well separated from heavy traffic and other incompatible activities.

B. USES AND STRUCTURES

1. Permitted Uses and Structures

- a. Single-family detached dwellings, including site-built and new factory-manufactured multi-section residential unit meeting HUD codes, providing the unit is set on permanent perimeter block/brick foundation on concrete footers, has the appearance of site-built housing. [1998]
- b. Public elementary and high schools and private schools having courses of study approximately the same.
- c. Public and private parks, playgrounds, and playfields in keeping with the requirements of this district.
- d. Farms, truck gardens, non-commercial greenhouses, and other customary agricultural uses and structures.
- e. Customary accessory uses and structures, including residential-purpose garages and carports, tool sheds, small storage buildings, swimming pool, and other accessory uses and structures customarily incidental to residential or other permitted uses when located on the same property. All accessory buildings shall be located behind the principal building.

Uses Permitted on Appeal (Special Exceptions)

After public notice and hearing, in accordance with the general provisions governing Special Exceptions and any specific individual restrictions outlined in Article VII, Section 4 C, and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit the following:

- a. Two-family dwellings;
- b. Churches or similar places of worship, including off-street parking requirements of Article VI, Section 5;
- c. Home occupations as regulated in Article VI, Section 10;
- d. Day care centers as regulated in Article VI, Section 11.
- e. Cemeteries as regulated in Article VI, Section 14;
- f. Residential homes for aged, Nursing homes, public and private hospitals, and rest homes as regulated in Article VI, Section 16 & 17.
- g. Telecommunication Towers and Stations as regulated in Article VI, Section 19. [Amended 2002]
- h. Bed and Breakfast Establishments as regulated in Article VI, Section 20. [Amended 2000]

3. Prohibited Uses and Structures

- a. Commercial and industrial uses.
- b. New or used factory manufactured single-section "single-wide" structure or mobile home. [1998]
- c. No non-residential use can be located in any factory-manufactured structures built to HUD code of single or multiple sections. [1998]

- d. Billboards and other off-premise advertising structures
- e. Methadone or similar treatment facility [Amended 2005]
- f. Any use not specifically permitted or permissible on appeal.
- g. Meat processing facility

C. LOT SIZE AND SETBACK REGULATIONS

1. Minimum Lot Size

- a. SINGLE-FAMILY STRUCTURE
 - On public sewer -- 12,000 sq. ft.
 - Not on public sewer -- 20,000 sq. ft. or larger if required by State Environmentalist due to soils or drainage conditions.
- b. TWO-FAMILY STRUCTURE
 - On public sewer -- 18,000 sq. ft.
 - Not on public sewer -- 24,000 sq. ft. or larger if required by State Environmentalist due to soils or drainage conditions.
- c. CHURCHES AND OTHER NON-RESIDENTIAL
 - On public sewer -- 30,000 sq. ft. plus required off-street parking area.
 - Not on public sewer -- 1 acre or larger if required by State Environmentalist due to soils or drainage conditions.

2. Minimum Lot Width

- a. At the front building line:
 - Single Family Residential..... 80 ft.
 - Duplex or Two-Family 100 ft.
 - Non-Residential Uses 200 ft.
- b. At road frontage: Each lot must abut a public street for a width of 25 feet.

3. Minimum Front Yard or Setback

- a. All principal structures shall be set back from the street right-of-way lines according to street's classification on the latest official thoroughfare plan:
 - Fronting on an Arterial Street..... 60 feet
 - Fronting on a Collector Street..... 40 feet
 - Fronting on a Minor Street 35 feet
- b. No accessory structures (except signs) permitted in front yard.

4. Minimum Side Yard Setback

- a. Interior lot lines - one and two-story dwellings 15 feet
- Interior lot lines - three-story buildings..... 20 feet
- Interior lot lines - accessory structures 5 feet
- Church and other non-residential 30 feet
- b. Side street on corner lots - 1 and 2 story dwellings 22.5 feet
- Side street on corner lots - 3 story dwellings 30 feet
- Side street on corner lot - accessory structures..... 15 feet
- Church and other non-residential 30 feet

5. Minimum Rear Yard or Setback

- a. Principal residential and non-residential buildings 30 feet
- b. Unattached accessory structures 5 feet
- c. Church and other non-residential 30 feet

6. Separation between Buildings

Unattached accessory structures must be at least 20 ft. from the principal building and at least 10 ft. any other accessory building on same lot.

7. Maximum Lot Coverage

a. No more than forty percent (40%) of lot can be covered with all structures, including principal dwelling, attached decks, porches, carports and garages and unattached accessory structures. Driveways, walkways and uncovered ground-level patios are not included. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

b. Churches and other main buildings shall not cover more than twenty-five (25) percent of the lot area.

D. HEIGHT REGULATIONS

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height. Accessory buildings shall not exceed two (2) stories in height.

E. SIGN REGULATIONS [Amended 2014]

See Article VI, Supplementary Regulations, Section 27 Sign Regulations.

F. OFF-STREET PARKING

2 spaces per dwelling unit. See also Article VI, Section 5 for additional regulations and parking requirements for non-residential uses.

G. INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL (2006)

As regulated in the "Supplementary Regulations" under Article VI, Section 25.

SECTION 2 R-2 -- MEDIUM DENSITY RESIDENTIAL

A. GENERAL DESCRIPTION

The purpose of the R-2 District is to provide for medium population density. The principal use of land may range from medium density single-family development to apartments or mobile home parks. Certain other uses which are more compatible functionally with intensive residential uses rather than commercial uses are or may be permitted after consideration of the relationship of a proposed use to permitted uses in the district.

B. USES AND STRUCTURES

1. Permitted Principal Uses and Structures

a. Single-family detached dwellings, including site-built and new factory-manufactured multi-section residential unit meeting HUD codes, providing the unit is set on permanent perimeter block/brick foundation on concrete footers, has the appearance of site-built housing. [1998]

b. Duplex or two-family dwellings.

c. Public elementary and high schools and private schools having courses of study approximately the same.

d. Public and private parks, playgrounds, and playfields in keeping with the requirements of this district.

e. Farms, truck gardens, non-commercial greenhouses, and other customary agricultural uses and structures.

- f. Customary accessory uses and structures, including residential-purpose garages and carports, tool sheds, small storage buildings, swimming pool, and other accessory uses and structures customarily incidental to residential or other permitted uses when located on the same property. All accessory buildings shall be located behind the principal building.

2. Uses Permitted on Appeal (Special Exceptions)

After public notice and hearing, in accordance with the general provisions governing Special Exceptions and any specific individual restrictions outlined in Article VII, Section 4C, and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit the following:

- a. Churches or similar places of worship, including off-street parking requirements of Article VI, Section 5;
- b. Home occupations as regulated in Article VI, Section 10;
- c. Day care centers as regulated in Article VI, Section 11.
- d. Multi-family dwellings in one building in accordance with the provisions set forth in Article VI, Section 12.
- e. Planned Residential Development in accordance with the provisions set forth in Article VI, Section 13.
- f. Cemeteries as regulated in Article VI, Section 14;
- g. Residential homes for aged, Nursing homes public and private hospitals, and rest homes as regulated in Article VI, Section 16 & 17.
- h. Mobile home parks in accordance with the provisions set forth in Article VI, Section 18B.
- i. Telecommunication Towers and Stations as regulated in Article VI, Section 19. [Amended 2002]
- j. Bed and Breakfast Establishments as regulated in Article VI, Section 20. [Amended 2000]

3. Prohibited Uses and Structures

- a. Commercial and industrial uses.
- b. New or used factory manufactured single-section "single-wide" structure or mobile home. [1998]
- c. No non-residential use can be located in a factory-manufactured structure built to HUD code of single or multiple sections. [1998]
- d. Billboards and other off-premise advertising structures
- e. Methadone or similar treatment facility [Amended 2005]
- f. Any use not specifically permitted or permissible on appeal.
- g. Meat processing facility

C. LOT SIZE AND SETBACK REGULATIONS

1. Minimum Lot Size

- a. SINGLE-FAMILY STRUCTURE
 - On public sewer -- 10,000 sq. ft.
 - Not on public sewer -- 20,000 sq. ft. or larger if required by State Environmentalist due to soils or drainage conditions.
- b. TWO-FAMILY STRUCTURE
 - On public sewer -- 18,000 sq. ft.
 - Not on public sewer -- 24,000 sq. ft. or larger if required by State Environmentalist due to soils or drainage conditions.
- c. THREE OR MORE UNITS
 - On public sewer -- 18,000 sq. ft. for 1st 2 units plus 4,000 sq. ft. each additional unit.

Maximum number of eight (8) units on 1st acre and 11 units on each additional acre.

d. CHURCHES AND OTHER NON-RESIDENTIAL

On public sewer -- 30,000 sq. ft. plus required off-street parking area.

Not on public sewer -- 1 acre or larger if required by State Environmentalist due to soils or drainage conditions.

2. Minimum Lot Width

a. At the front building line:

Single Family Residential..... 80 ft.

Two-Family or Three-Family 100 ft.

Multi-Family 150 ft.

Non-Residential Uses 200 ft.

b. At road frontage: Each lot must abut a public street for a width of 25 feet.

3. Minimum Front Yard Setback

a. All principal structures shall be set back from the street right-of-way lines according to street's classification on the latest official thoroughfare plan:

Fronting on an Arterial Street..... 40 feet

Fronting on a Collector Street..... 30 feet

Fronting on a Minor Street 25 feet

b. No accessory structures (except signs) permitted in front yard.

4. Minimum Side Yard Setback

a. Interior lot lines - one and two-story dwellings 10 feet

Interior lot lines - three-story buildings..... 15 feet

Interior lot lines - accessory structures 5 feet

Church and other non-residential 30 feet

b. Side street on corner lots - 1 and 2 story dwellings 15 feet

Side street on corner lots - 3 story dwellings 22.5 feet

Side street on corner lot - accessory structures..... 15 feet

Church and other non-residential 30 feet

5. Minimum Rear Yard or Setback

a. Principal residential and non-residential buildings25 feet

b. Unattached accessory structures5 feet

c. Church and other non-residential30 feet

6. Separation between Buildings

Unattached accessory structures must be at least 20 ft. from the principal building and at least 10 ft. any other accessory building on same lot.

7. Maximum Lot Coverage

a. Single-Family and Two-Family Structures: No more than forty percent (40%) of lot can be covered with principal dwelling, attached decks, porches, carports and garages and unattached accessory structures. Driveways, walkways and uncovered ground-level patios are not included. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

b. Multi-Family Structures (3 or more units): Usable open space provided for each dwelling unit of not less than four-hundred (400) sq. ft.

c. Churches and other main buildings shall not cover more than twenty-five (25) percent of the lot area.

D. HEIGHT REGULATIONS

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height. Accessory buildings shall not exceed two (2) stories nor twenty-three (23) ft. in height

E. SIGN REGULATIONS [Amended 2014]

See Article VI, Supplementary Regulations, Section 27 Sign Regulations.

F. OFF-STREET PARKING

2 spaces per dwelling unit. See also Article VI, Section 5 for additional regulations and parking requirements for non-residential uses.

G. INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL [2006]

As regulated in the "Supplementary Regulations" under Article VI, Section 25.

SECTION 2A R-3 -- HIGH DENSITY RESIDENTIAL [Amended 2004]

A. GENERAL DESCRIPTION

The purpose of the R-3 District is to provide for high population density. The principal use of land may range from medium density single-family development to apartments or mobile home parks. Certain other uses which are more compatible functionally with intensive residential uses rather than commercial uses are or may be permitted after consideration of the relationship of a proposed use to permitted uses in the district.

B. USES AND STRUCTURES

1. Permitted Principal Uses and Structures

- a. Single-family detached dwellings, including site-built and new factory-manufactured multi-section residential unit meeting HUD codes, providing the unit is set on permanent perimeter block/brick foundation on concrete footers, has the appearance of site-built housing. [1998]
- b. Duplex or two-family dwellings.
- c. Apartments
- d. The taking of boarders or the leasing of rooms, provided that not over fifty (50) percent of the total floor area is used for the taking of boarders or the leasing of rooms.
- e. Customary accessory uses and structures, including residential-purpose garages and carports, tool sheds, small storage buildings, swimming pool, and other accessory uses and structures customarily incidental to residential or other permitted uses when located on the same property. All accessory buildings shall be located behind the principal building.

2. Uses Permitted on Appeal (Special Exceptions)

After public notice and hearing, in accordance with the general provisions governing Special Exceptions and any specific individual restrictions outlined in Article VII, Section 4C, and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit the following:

- a. Churches or similar places of worship, including off-street parking requirements of Article VI, Section 5;
- b. Home occupations as regulated in Article VI, Section 10;
- c. Day care centers as regulated in Article VI, Section 11.
- d. Planned Residential Development in accordance with the provisions set forth in Article VI, Section 13.
- e. Residential homes for aged, Nursing homes public and private hospitals, and rest homes as regulated in Article VI, Section 16 & 17.
- f. Mobile home parks in accordance with the provisions set forth in Article VI, Section 18B.
- g. New or used factory manufactured single-section "single-wide" structure or mobile home.
- h. Telecommunication Towers and Stations as regulated in Article VI, Section 19.

3. Prohibited Uses and Structures

- a. Commercial and industrial uses.
- b. No non-residential use can be located in a factory-manufactured structure built to HUD code of single or multiple sections. [1998]

- c. Billboards and other off-premise advertising structures
- d. Methadone or similar treatment facility [Amended 2005]
- e. Any use not specifically permitted or permissible on appeal.

C. LOT SIZE AND SETBACK REGULATIONS

1. Minimum Lot Size

- a. SINGLE-FAMILY STRUCTURE
 - On public sewer -- 6,000 sq. ft.
 - Not on public sewer -- 20,000 sq. ft. or larger if required by State Environmentalist due to soils or drainage conditions.
- b. TWO-FAMILY STRUCTURE
 - On public sewer -- 9,000 sq. ft.
 - Not on public sewer -- 24,000 sq. ft. or larger if required by State Environmentalist due to soils or drainage conditions.
- c. THREE OR MORE UNITS
 - On public sewer -- 9,000 sq. ft. for 1st 2 units plus 3,000 sq. ft. each additional unit.
- d. CHURCHES AND OTHER NON-RESIDENTIAL
 - On public sewer -- 30,000 sq. ft. plus required off-street parking area.
 - Not on public sewer -- 1 acre or larger if required by State Environmentalist due to soils or drainage conditions.

2. Minimum Lot Width

- a. At the front building line:
 - Single Family Residential..... 60 ft.
 - Multi-Family 100 ft.
 - Non-Residential Uses 150 ft.
- b. At road frontage: Each lot must abut a public street for a width of 25 feet.

3. Minimum Front Yard Setback

- a. All principal structures shall be set back from the street right-of-way lines according to street's classification on the latest official thoroughfare plan:
 - Fronting on an Arterial Street..... 40 feet
 - Fronting on a Collector Street..... 30 feet
 - Fronting on a Minor Street 25 feet
- b. No accessory structures (except signs) permitted in front yard.

4. Minimum Side Yard Setback

- a. Interior lot lines - one and two-story dwellings 10 feet
- Interior lot lines - three-story buildings..... 15 feet
- Interior lot lines - accessory structures 5 feet
- Church and other non-residential 30 feet
- b. Side street on corner lots - 1 and 2 story dwellings 15 feet
- Side street on corner lots - 3 story dwellings 20 feet
- Side street on corner lot - accessory structures..... 15 feet
- Church and other non-residential 30 feet

5. Minimum Rear Yard or Setback

- a. Principal residential and non-residential buildings 15 feet
- b. Unattached accessory structures 5 feet
- c. Church and other non-residential 30 feet

6. Separation between Buildings

Unattached accessory structures must be at least 20 ft. from the principal building and at least 10 ft. any other accessory building on same lot.

7. Maximum Lot Coverage

- a. Single-Family and Two-Family Structures: No more than forty percent (40%) of lot can be covered with principal dwelling, attached decks, porches, carports and garages and unattached accessory structures. Driveways, walkways and uncovered ground-level patios are not included. Accessory structures shall not cover more than twenty (20) percent of any rear yard.
- b. Multi-Family Structures (3 or more units): Usable open space provided for each dwelling unit of not less than four-hundred (400) sq. ft.
- c. Churches and other main buildings shall not cover more than twenty-five (25) percent of the lot area.

D. HEIGHT REGULATIONS

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height. Accessory buildings shall not exceed two (2) stories nor twenty-three (23) ft. in height

E. SIGN REGULATIONS [Amended 2014]

See Article VI, Supplementary Regulations, Section 27 Sign Regulations.

F. OFF-STREET PARKING

2 spaces per dwelling unit. See also Article VI, Section 5 for additional regulations and parking requirements for non-residential uses.

G. DRAINAGE AND STORMWATER MANAGEMENT [Amended 2005]

As regulated in Article VI, Section 22.

H. ACCESS AND TRAFFIC CONTROL [Amended 2004]

To control the traffic generated, the developer may be required to pay the cost of installing or constructing any of the following facilities on streets providing access to an apartment complex: Facilities include street widening, ingress and egress driveways, acceleration and deceleration lanes, traffic control devices and signs including channelization. When the developer is held responsible for traffic control construction, such responsibility and subsequent liability shall constitute a contractual agreement between the developer and the city.

I. LANDSCAPE AND SCREENING REQUIREMENTS [Amended 2005]

As regulated in Article VI, Section 23.

J. SITE PLAN REQUIREMENTS FOR BUILDING PERMITS [Amended 2005]

As regulated in Article VII, Section 2-B.

K. INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL [2006]

As regulated in the "Supplementary Regulations" under Article VI, Section 25.

SECTION 2B RD -- SINGLE-FAMILY AND DUPLEX RESIDENTIAL DISTRICT [Added 2012]

A. GENERAL DESCRIPTION

The purpose of the RD District is to provide a moderate density single and two-family residential environment in areas where public wastewater services are available. The purpose of the RD District is to provide for moderate to high population density. The principal use of land may range from medium density single-family development to duplexes. Certain other uses which are more compatible functionally with intensive residential uses rather than commercial uses are or may be permitted after consideration of the relationship of a proposed use to permitted uses in the district.

B. USES AND STRUCTURES

1. Permitted Principal Uses and Structures

- a. Single-family detached dwellings
- b. Duplex or two-family dwellings
- c. Customary accessory uses and structures, including residential-purpose unattached garages and carports, tool sheds, small storage buildings, swimming pool, and other accessory uses and structures customarily incidental to residential or other permitted uses when located on the same property. All accessory buildings shall be located behind the principal building.

2. Uses Permitted on Appeal (Special Exceptions)

After public notice and hearing, in accordance with the general provisions governing Special Exceptions and any specific individual restrictions outlined in Article VII, Section 4C, and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit the following:

- a. Churches or similar places of worship, including off-street parking requirements of Article VI, Section 5;
- b. Home occupations as regulated in Article VI, Section 10;
- c. Day care centers as regulated in Article VI, Section 11;
- d. Planned Residential Development in accordance with the provisions set forth in Article VI, Section 13;
- e. Residential homes for aged, nursing homes, public and private hospitals, and rest homes as regulated in Article VI, Sections 16 and 17;
- f. Public parks and public recreational facilities;
- g. The taking of boarders or the leasing of rooms, provided that not over fifty (50) percent of the total floor area is used for the taking of boarders or the leasing of rooms.

3. Prohibited Uses and Structures

- a. Commercial and industrial uses;
- b. Billboards and other off-premise advertising structures;
- c. Methadone or similar treatment facility;
- d. Any use not specifically permitted or permissible on appeal.

C. LOT SIZE AND SETBACK REGULATIONS

1. Minimum Lot Size

- a. SINGLE-FAMILY STRUCTURE**
On public sewer – 6,000 sq. ft.
Not on public sewer – 20,000 sq. ft. or larger if required by State Environmentalist due to soils or drainage conditions.
- b. TWO-FAMILY STRUCTURE/DUPLEX**
On public sewer – 9,000 sq. ft.
Not on public sewer – 24,000 sq. ft. or larger if required by State Environmentalist due to soils or drainage conditions.
- c. CHURCHES AND OTHER NON-RESIDENTIAL**
On public sewer – 30,000 sq. ft. plus required off-street parking area.
Not on public sewer – 1 acre or larger if required by State Environmentalist due to soils or drainage conditions.

2. Minimum Lot Width

- a. At the front building line:**
Single Family Residential..... 60 ft.
Duplex..... 75 ft.
Non-Residential Uses..... 150 ft.
- b. At road frontage:** Each lot must abut a public street for a width of 50 feet, unless when located at the terminus of a cul-de-sac or along the outside radius of a 90 degree road curve where lot width can be 35 feet.

3. Minimum Front Yard Setback

- a. All principal structures shall be set back from the street right-of-way lines according to street's classification on the latest official thoroughfare plan:**
Fronting on an Arterial Street..... 40 ft.
Fronting on a Collector Street..... 30 ft.
Fronting on a Minor Street..... 25 ft.
- b. No accessory structures (except signs) permitted in front yard.**

4. Minimum Side Yard Setback

- a. Interior lot lines – one and two-story dwellings..... 10 ft.**
Interior lot lines – three story buildings..... 15 ft.
Interior lot lines – accessory structures..... 5 ft.
Church and other non-residential..... 30 ft.
- b. Side street on corner lots – 1 and 2 story dwellings..... 15 ft.**
Side street on corner lots – 3 story dwellings..... 20 ft.
Side street on corner lot – accessory structures..... 15 ft.
Church and other non-residential..... 30 ft.

5. Minimum Rear Yard or Setback

- a. Principal residential and non-residential buildings..... 15 ft.**
- b. Unattached accessory structures..... 5 ft.**
- c. Church and other non-residential..... 30 ft.**

6. Separation between Buildings

Unattached accessory structures must be at least 20 ft. from the principal building and at least 10 ft. any other accessory building on same lot.

7. Maximum Lot Coverage

- a. Single-family and two-family structures: No more than forty percent (40%) of lot can be covered with principal dwelling, attached decks, porches, carports and garages and unattached accessory structures. Driveways, walkways and uncovered ground-level patios are not included. Accessory structures shall not cover more than twenty (20) percent of any rear yard.
- b. Churches and other main buildings shall not cover more than twenty-five (25) percent of the lot area.

D. HEIGHT REGULATIONS

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height. Accessory buildings shall not exceed two (2) stories nor twenty-three (23) feet in height.

E. SIGN REGULATIONS—[Amended 2014]

See Article VI, Supplementary Regulations, Section 27 Sign Regulations.

F. OFF-STREET PARKING

Two (2) spaces per dwelling unit. See also Article VI, Section 5 for additional regulations and parking requirements for non-residential uses.

G. DRAINAGE AND STORMWATER MANAGEMENT

As regulated in Article VI, Section 22.

H. ACCESS AND TRAFFIC CONTROL

To control the traffic generated, the developer may be required to pay the cost of installing or constructing any of the following facilities on streets providing access to an apartment complex: facilities include street widening, ingress and egress driveways, acceleration and deceleration lanes, traffic control devices and signs including channelization. When the developer is held responsible for traffic control construction, such responsibility and subsequent liability shall constitute a contractual agreement between the developer and the city.

I. LANDSCAPE AND SCREENING REQUIREMENTS

As regulated in Article VI, Section 23.

J. SITE PLAN REQUIREMENTS FOR BUILDING PERMITS

As regulated in Article VII, Section 2-B.

K. INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL

As regulated in the "Supplementary Regulations" under Article VI, Section 25.

SECTION 3 C-A -- GENERAL COMMERCIAL

A. GENERAL DESCRIPTION

The C-A District is designed for a variety of commercial activities, including areas for retail activities dealing predominantly in those goods transportable by private auto or truck, and various personal services, business and repair services, and indoor cultural and recreational activities that serve the residential community of Algood. It is intended that such areas have properties of sufficient size so developed that activities performed thereon will not interfere with the traffic on major streets or with residential, other commercial, and industrial activities of the area.

B. USES AND STRUCTURES

1. Permitted Principal Uses and Structures

- a. Offices: doctors, lawyers, dentists, architects, artists, engineers, surveyors, realtors, employment agencies, insurance agencies, travel agencies and similar uses. **[Amended 2007]**
- b. Studios;
- c. Financial institutions;
- d. Retail and wholesale stores and markets, including food, drug and sundries, general merchandise, apparel, furniture, appliances and similar uses;
- e. Personal and business services including barber and beauty shops, funeral homes, laundering and dry cleaning establishments, shoe repair, restaurants, and similar uses;
- f. Commercial greenhouses and nurseries;
- g. Public parking lots and garages.
- h. Customary accessory buildings and uses, located behind the principal building.

2. Uses Permitted on Appeal (Special Exceptions)

After public notice and hearing, in accordance with the general provisions governing Special Exceptions and any specific individual restrictions outlined in Article VII, Section 4 C, and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit the following:

- a. Day care centers as regulated in Article VI, Section 11.
- b. Planned residential developments in accordance with the standards set in Article VI, Section 13;
- c. Single family, two-family, and multi-family structures. Single-family includes site-built and new factory-manufactured multi-section residential unit meeting HUD codes, providing the unit is set on permanent perimeter block/brick foundation on concrete footers, has the appearance of site-built housing. **[1998]**
- d. Residential home for aged as regulated in Article VI, Section 16.
- e. Motels.
- f. Churches or similar places of worship;
- g. Places of amusement and assembly;
- h. Incidental manufacturing where products are sold by producers on the premises, and where not more than five (5) operators are employed in such manufacture.
- i. New and used automobile sales and uses of a similar nature.

- j. Gasoline stations or combination gas-food markets in accordance with the standards of Article VI, Section 15.
- k. Telecommunication Towers and Stations as regulated in Article VI, Section 19. [Amended 2002]
- l. Bed and Breakfast Establishments as regulated in Article VI, Section 20. [Amended 2000]
- m. Methadone or similar treatment facility including rehabilitation and/or counseling centers as regulated in Article VI, Section 24. [Amended 2007]
- n. Automatic Car Wash [Amended 2006]

3. Prohibited Uses and Structures

- a. Self service storage facilities (mini-warehouses) and moving storage companies. [Amended 2005]
- b. New or used factory manufactured single-section "single-wide" structure or mobile home for residential purposes. [1998]
- c. Factory-manufactured structures built to HUD code of single or multiple sections cannot be used for a non-residential use, except for temporary use at construction site. [1998]
- d. Any use not specifically permitted or permissible on appeal.
- e. Meat processing facility

C. LOT SIZE AND SETBACK REGULATIONS

1. Minimum Lot Size and Width

- a. Residential Uses: Same requirements as in the R-2 District;
- b. Churches: 30,000 sq. ft. plus the required off-street parking per Article VI, Section 5;
- c. All other uses: 10,000 sq. ft.
- d. Minimum lot width at road frontage: Each lot must abut a public street for a width of 25 feet.
- e. Minimum lot width at front building line for Non-Residential uses: 75 ft.

2. Minimum Front Yard or Setback

- a. All principal structures shall be set back from the street right-of-way lines according to street's classification on the latest official thoroughfare plan:
 - Fronting on an Arterial Street..... 40 feet
 - Fronting on a Collector Street..... 30 feet
 - Fronting on a Minor Street..... 25 feet
- b. No accessory structures (except signs) permitted in front yard; signs 10 ft.

3. Minimum Side Yard or Setback

- a. Interior lot lines - one and two-story dwellings 10 feet
- Interior lot lines - three-story buildings..... 15 feet
- Interior lot lines - accessory structures 5 feet
- Churches..... 30 feet
- b. Side street on corner lots - 1 and 2 story dwellings 15 feet
- Side street on corner lots - 3 story dwellings 22.5 feet
- Side street on corner lot - accessory structures..... 15 feet
- Churches..... 30 feet

- c. Where the side lot line of any C-A property adjoins a residential lot, the owner of the commercial lot shall plant and maintain adequate landscaping along the entire side lot line in order to provide a pleasant screen between these two different but contiguous land uses.

4. Minimum Rear Yard or Setback

- a. Principal non-residential buildings.....20 feet from rear lot line
- b. Unattached accessory structures..... 5 feet from rear lot line

5. Separation between Buildings

Unattached accessory structures must be at least 20 ft. from the principal building and at least 15 ft. any other accessory building on same lot.

D. HEIGHT REGULATIONS

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height. Accessory buildings shall not exceed two (2) stories nor twenty-three (23) ft. in height

E. SIGN REGULATIONS—[Amended 2014]

See Article VI, Supplementary Regulations, Section 27 Sign Regulations.

F. OFF-STREET PARKING

As regulated in Article VI, Section 5.

G. ACCESS AND TRAFFIC CONTROL [Amended 2004]

To control the traffic generated, the developer may be required to pay the cost of installing or constructing any of the following facilities on streets providing access to a shopping center: Street widening, ingress and egress driveways, acceleration and deceleration lanes and traffic control devices and signs including channelization. When the developer is held responsible for traffic control construction, such responsibility and subsequent liability shall constitute a contractual agreement between the developer and the city.

H. DRAINAGE AND STORMWATER MANAGEMENT [Amended 2005]

As regulated in Article VI, Section 22.

I. LANDSCAPE AND SCREENING REQUIREMENTS [Amended 2005]

As regulated in Article VI, Section 23.

J. SITE PLAN REQUIREMENTS FOR BUILDING PERMITS [Amended 2005]

As regulated in Article VII, Section 2-B.

K. INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL [2006]

As regulated in the "Supplementary Regulations" under Article VI, Section 25.

SECTION 4 C-B -- CENTRAL BUSINESS DISTRICT

A. GENERAL DESCRIPTION

This district is established to provide an area for the conduct of community and regional retail and service business of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate pedestrian traffic, and which are mutually benefited by close proximity to other uses of similar nature and requirements, for only those small-scale industrial uses commonly associated with retail, or business, or personal service activities. It is intended that such area have properties of size suitable for uses of a variety of scale so developed as to promote pedestrian circulation, around "dead" spaces between uses, and to contribute to mutual businesses advantage. It is further intended to exclude those commercial and industrial activities which are characterized by trucking other than stocking and delivery of retail goods, which cater to automobiles or traffic or to patrons who remain in their vehicles for service; which interfere with pedestrians or pedestrian circulation, or which create hazards, noise, vibration, smoke, dust, odors, glare, heat or other objectionable influences or nuisances greater than those occasioned by retail or office use or which by virtue of their requirements for space would substantially separate intended uses for each other.

B. USES AND STRUCTURES

1. Permitted Principal Uses and Structures

- a. Offices: doctors, lawyers, dentists, architects, artists, engineers, surveyors, realtors, employment agencies, insurance agencies, travel agencies and similar uses. **[Amended 2007]**
- b. Studios;
- c. Financial institutions;
- d. Community-wide retail businesses, including the following types of stores: food, general merchandise, apparel, furniture, antiques, household and hardware, radio and television, drugs and sundries, florists, sporting goods and similar uses;
- e. Community-wide retail services including: barber shops, beauty shops, funeral homes, laundering and dry cleaning establishments, shoe repair, restaurants, places of amusement and assembly, and similar uses;
- f. Other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures".

2. Uses Permitted on Appeal (Special Exceptions)

- a. Single family, two family, and multiple family dwellings. Single-family includes site-built and new factory-manufactured multi-section residential unit meeting HUD codes, providing the unit is set on permanent perimeter block/brick foundation on concrete footers, has the appearance of site-built housing. **[1998]**
- b. Churches and similar places of worship.
- c. Day care centers as regulated in Article VI, Section 11.
- d. Telecommunication Towers and Stations as regulated in Article VI, Section 19. **[Amended 2002]**
- e. Bed and Breakfast Establishments as regulated in Article VI, Section 20. **[Amended 2000]**
- f. Methadone or similar treatment facility including rehabilitation and/or counseling centers as regulated in Article VI, Section 24. **[Amended 2007]**

3. Prohibited Uses and Structures

- a. Self service storage facilities (mini-warehouses) and moving storage companies. **[Amended 2005]**
- b. New or used factory manufactured single-section “single-wide” structure or mobile home for residential purposes. **[1998]**
- c. Factory-manufactured structures built to HUD code of single or multiple sections cannot be used for a non-residential use, except for temporary use at construction site. **[1998]**
- d. Off-premise Advertising Signs or Billboards
- e. Any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of danger of fire or explosion, even under proper safeguards.
- f. Any use not specifically permitted or permissible on appeal.
- g. Meat processing facility

C. AREA REQUIREMENTS

1. Minimum Lot Size and Width

- a. Residential Uses: Same requirements as in the R-2 District.
- b. Churches: 30,000 sq. ft. plus the required off-street parking per Article VI, Section 5.
- c. All other Non-Residential uses: 6,000 sq. ft.
- d. Minimum lot width at road frontage: Each lot must abut a public street for a width of 25 feet.
- e. Minimum lot width at front building line for Non-Residential uses: 60 feet.

2. Minimum Yard Requirements

- a. Residential uses shall comply with all R-2 setback requirements.
- b. FRONT: For Non-Residential uses, minimum front setback of 25' except where adjoining existing buildings are closer, then the building can be located in line with the adjoining buildings.
- c. SIDE: For Non-Residential uses, minimum 5 foot side setback. Where adjacent to R-1 and R-2 Districts, buildings shall conform to same R-1 or R-2 side yard requirements.
- d. REAR: For Non-Residential uses, minimum 10 foot rear setback. Where adjacent to R-1 and R-2 Districts, buildings shall conform to one-half required R-1 or R-2 rear setback.

D. MAXIMUM HEIGHT OF STRUCTURES

Three (3) stories or thirty-five (35) feet in height.

E. SIGN REGULATIONS—[Amended 2014]

See Article VI, Supplementary Regulations, Section 27 Sign Regulations.

F. OFF-STREET PARKING REQUIREMENTS: None

G. OFF-STREET LOADING AND UNLOADING

Each shop should be provided with a rear or side entrance that is accessible to a servicing driveway and not a part of the circulation system used by the vehicles of shoppers. Loading and unloading facilities shall be arranged so that trucks will not block the passage of other vehicles on servicing driveways, not extend into other private vehicles on servicing driveways, not extend into other private or public driveways, or streets for vehicular circulation.

- H. ACCESS AND TRAFFIC CONTROL [Amended 2004]**
To control the traffic generated, the developer may be required to pay the cost of installing or constructing any of the following facilities on streets providing access to a shopping center: Street widening, ingress and egress driveways, acceleration and deceleration lanes and traffic control devices and signs including channelization. When the developer is held responsible for traffic control construction, such responsibility and subsequent liability shall constitute a contractual agreement between the developer and the city.
- I. DRAINAGE AND STORMWATER MANAGEMENT [Amended 2005]**
As regulated in Article VI, Section 22.
- J. SITE PLAN REQUIREMENTS FOR BUILDING PERMITS [Amended 2005]**
As regulated in Article VII, Section 2-B.
- K. INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL [2006]**
As regulated in the "Supplementary Regulations" under Article VI, Section 25.

SECTION 5 C-C, PLANNED COMMERCIAL DISTRICT

A. GENERAL DESCRIPTION

Development of planned shopping and commercial centers will be needed. Because of the difficulty in pinpointing locations to meet future requirements of community retailing, no effort has been made to district these shopping areas on the municipal zoning map in advance of actual development proposals. This is termed the "*floating zone*" approach, which permits optimum flexibility in planning and design as related to specific economic and physical characteristics of both site and environment. The planning requirements for future shopping centers shall be as follows:

B. LOCATION REQUIREMENTS

1. This district shall be located next to an artery OR at the intersection of two (2) arterial streets OR at the intersection of an arterial and collector streets
2. The site must have at least one and one-half (1 1/2) acres.
3. The development must provide more than six thousand (6,000) sq. ft. of actual floor space.
4. The developer must follow a preapproved site plan prepared by the property owner(s) or his agents and approved by the planning commission.

C. PETITION AND SITE PLAN

Before a planned commercial district is officially designated or created, a petition shall be filed with the planning commission, signed by all legal owners of properties to be included in such district, together with the legal description of each owner's property following his signature. This petition shall request that the planning commission approve for recommendation to the Board of Mayor and Aldermen the establishment of a shopping center district to include the properties of such signers as set forth in the petition. This petition shall be accompanied by certification by an attorney that the signers of the properties as presented are the legal owners.

There shall be filed concurrently with the commission, by or on behalf of such property owners, a preliminary site plan of the development contemplated for the combined properties of such owners within the proposed district. Such site plan shall bear the signatures of the owners, and shall provide the following data:

1. The location, arrangement, and dimensions of automobile storage area, and parking aisles, bays, and angles.
2. The location, arrangement, and dimensions of loading and unloading space and docks.
3. The location, arrangement, and dimensions of vehicular entrances, exits, and driveways.
4. The location, arrangement, and dimensions of pedestrian entrances, exits, and driveways.
5. The basic layout of water, sewer, and storm drainage systems.
6. The type of construction materials for walkways, drives, fences, and other accessory structures.
7. A topographic overlay or separate topographic map when the elevation exceeds five (5) feet per one-hundred (100) linear feet.
8. The location and exterior dimensions of all structures.
9. The location, size, height, and orientation of signs.

D. PROCEDURE FOR APPROVAL

The following procedure shall establish a tract as a shopping center district:

1. Submission to the planning commission of a letter of application with a preliminary site plan and supporting data; these data shall include a time schedule for construction, as a minimum. Other data such as a market analysis, a financial report, and a traffic study may be additionally required.
2. Review of the application and data by the planning commission.
3. Recommendation of any approved plan by the planning commission to the city board.
4. Action by the city board on the proposed municipal zoning map amendment, following a public hearing.
5. Should the municipal zoning map amendment be approved by the city board, the applicant must submit a final site plan to the planning commission. A performance bond covering public improvements may be required by the planning commission before final approval, and before referral to the building inspector for the issuance of a building permit. The developer shall adhere to the approved schedule for beginning and completing construction.

E. DIMENSIONAL STANDARDS

The following dimensional standards shall be maintained by the developer:

1. Coverage of the lot or tract shall not exceed twenty-five (25) percent.
2. The height of any structure shall not exceed thirty-five (35) feet nor three (3) stories.
3. The principal structure or structures shall not be less than fifty (50) feet from a property line, including automobile storage area, loading and unloading space, circulation space, and space for landscaping, lighting, and signs.

F. DESIGN STANDARDS

1. **Signs—[Amended 2014]**
See Article VI, Supplementary Regulations, Section 27 Sign Regulations.
2. **Access and Traffic Control**
To control the traffic generated, the developer may be required to pay the cost of installing or constructing any of the following facilities on streets providing access to a shopping center: street widening, ingress and egress driveways, acceleration and deceleration lanes, and traffic control devices and signs, including channelization. When the developer is held responsible for traffic control construction, such responsibility and subsequent liability shall constitute a contractual agreement between the developer and the city.
3. **Circulation and Parking Layout**
An automobile storage area and adequate servicing driveways shall be provided within the boundaries of a shopping center. Space to the rear of shops shall not be considered usable by the public and shall be creditable to fifty (50) percent of the number of required parking spaces for employees. An exception to this requirement may be made by the planning commission, if a shopping center is the central mall type. In such case, all sections of the required automobile storage area shall be provided with adequate connecting internal driveways and means of ingress and egress to the public streets. **See Off-Street Parking as regulated in Article VI, Section 5.**

- 4. Off-Street Loading**
Each shop shall be provided with a rear or side entrance that is accessible to a servicing driveway and not a part of the circulation system used by the vehicles of shoppers. Loading and unloading facilities shall be arranged so that trucks will not block the passage of other vehicles on servicing driveways, not extend into other private vehicles on servicing driveways, not extend into other public or private driveways, or streets for vehicular circulation.
- 5. Storage of Waste**
The refuse disposal area and storage containers shall be maintained in such manner as to meet local health requirements, and shall be screened from view.
- 6. Drainage and Stormwater Management [Amended 2005]**
As regulated in Article VI, Section 22.
- 7. Landscape and Screening Requirements [Amended 2005]**
As regulated in Article VI, Section 23.
- G. SITE PLAN REQUIREMENTS FOR BUILDING PERMITS [Amended 2005]**
As regulated in Article VII, Section 2-B.
- H. METHADONE OR SIMILAR TREATMENT FACILITY [Amended 2005]** As regulated in Article VI, Section 24. Use permitted on appeal (special exception)
- I. INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL [2006]**
As regulated in the "Supplementary Regulations" under Article VI, Section 25.

SECTION 6 I-1, LIGHT MANUFACTURING

A. GENERAL DESCRIPTION

This industrial district is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses are conducted so that noise, odor, dust, and glare of each operation is minimal. These industries may require direct access to rail, air, or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the heavy industrial district. Regulations are intended to prevent friction between uses within the district and also to protect nearby residential districts.

B. USES AND STRUCTURES

1. Permitted Principal Uses and Structures [Amended 1999--added j., k., l]

- a. Industrial uses, such as the manufacture of textiles and apparel, and the fabrication and assembly of machinery and other products of metal, wood, or other materials, and similar uses, including offices and associated employee facilities;
- b. Wholesaling, warehousing, and storage uses;
- c. Building material sales yards and lumber yards;
- d. Machine shops and blacksmith shops;
- e. Truck terminals;
- f. Animal hospitals;
- g. Laundering and dry cleaning establishments;
- h. Farm implement sales yards, new and second-hand automobile sales yards and uses of a similar nature.
- i. Mini-warehouses, moving-storage business (1996)
- j. Banks, offices, personal and business services;
- k. Restaurants, motel
- l. Wholesale/retail trade

2. Permitted Accessory Uses and Structures

Any accessory uses or structures incidental to the above permitted uses.

3. Uses Permitted on Appeal

- a. Other uses of the same general character as those listed above and deemed appropriate by the Board of Zoning Appeals.
- b. Day care centers as regulated in Article VI, Section 11.
- c. Convenience markets with gas pumps [Amended 1999]
- d. Telecommunication Towers and Stations as regulated in Article VI, Section 19. [Amended 2002]
- e. Self service storage facilities as regulated in Article VI, Section 21. [Amended 2005]
- f. Meat processing facility

4. Prohibited Uses and Structures

- a. Any use not specifically permitted or permissible on appeal.
- b. Factory-manufactured structures built to HUD codes in single or multiple sections cannot be used for a non-residential use, except for temporary use at a construction site.

C. LOT REGULATIONS

1. **Minimum Lot Area** of 20,000 sq. ft.
2. **Minimum Yard Requirements**
 - a. Minimum of 25 ft. front, side and rear yards.
 - b. A side yard that abuts R-1 or R-2 District shall be 50 ft.

D. MAXIMUM HEIGHT OF STRUCTURES

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height. No accessory structure shall exceed two (2) stories in height.

E. LANDSCAPE TREATMENT [Amended 1999]

1. Any business abutting a residence, no matter how zoned, must install and maintain a "privacy fence" at least 6 ft. in height.
2. Plantings of trees and/or shrubs:
 - a. Planted buffer around perimeter of property within setback areas 5 to 15 ft. depth.
 - b. Property owner and/or occupant required to maintain (water & weeding) and replace dead plants.
 - c. Trees: faster-growing preferably native hardwoods or evergreens, five to six (5-6) ft. tall when planted (no seedlings or small trees).
 - d. Trees planted in straight line 10 to 12 feet apart.
 - e. Evergreens planted in straight line or staggered double row to create more solid barrier.
 - f. Shrubs: fast-growing so that growth creates a unified solid hedge; approximately 2 ft. tall when planted.
3. On-site improvements shall be properly landscaped and buffered to prevent any noticeable noise, dust, or obnoxious odors which would injure or disturb adjoining properties.
4. Perimeter and interior parking lot areas shall be landscaped as regulated in Article VI, Section 23. [Amended 2005]
5. The landscaping used shall not interfere with sight distances of motorists, nor obstruct needed views of buildings or their means of identification.
6. All landscaping should be designed so as to require the minimum amount of maintenance.

F. SIGN REGULATIONS—[Amended 2014]

See Article VI, Supplementary Regulations, Section 27 Sign Regulations.

G. OFF-STREET LOADING REQUIREMENTS

1. One (1) off-street loading and unloading space shall be provided for buildings up to and including twenty thousand sq. ft. of floor area, plus one additional off-street loading and unloading space for each additional 20,000 sq. ft. of floor area up to and including 100,000 sq. ft.
2. Where trailer trucks are involved such loading and unloading space shall be an area 12 feet by 45 feet with a 14 foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.
3. All areas devoted to permanent off-street loading and unloading as required under this section shall be of a sealed surface construction and maintained in such a manner that no dust will result from continuous use.

- H. **OFF-STREET PARKING**
As regulated in Article VI, Section 5.
- I. **SITE PLAN REQUIREMENTS FOR BUILDING PERMITS** [Amended 2005]
As regulated in Article VII, Section 2-B.
- J. **DRAINAGE AND STORMWATER MANAGEMENT** [Amended 2005]
As regulated in Article VI, Section 22.
- K. **INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL** [Amended 2006]
As regulated in the "Supplementary Regulations" under Article VI, Section 25.

SECTION 7 I-2 -- HEAVY INDUSTRY

A. GENERAL DESCRIPTION

This industrial district is established to provide areas in which the principal use of land is for manufacturing, and other heavy uses with which there are associated adverse effects on surrounding property. Such uses are not properly associated with nor compatible with residential, commercial, or light industrial uses.

B. USES AND STRUCTURES

1. Permitted Principal Uses and Structures

- a. Mixing plants for cement, mortar, or plaster;
- b. Sawmills and lumber yards;
- c. Railroad freight terminals;
- d. Manufacture of brick, pottery, terra cotta, or tile;
- e. Manufacture of candles, dyestuffs, and limestone fertilizer;
- f. Rock quarries;
- g. Any use permitted in the I-1, Light Industrial District.

2. Permitted Accessory Uses and Structures

Any accessory uses or structures incidental to the above permitted use.

3. Uses Permitted on Appeal

- a. Asphalt mixing plants; tank storage of bulk oil, gasoline and asphalt; and/or the mixture of bulk storage and sale of asphalt, illuminating or heating gas, fertilizers, insecticides, and other petroleum products other than gasoline, diesel, or kerosene for retail sale.

All of the above uses are subject to the following special requirements:

- (1) All activities involving the use and/or storage and/or disposal of flammable or explosive materials shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as adequate fire fighting and suppression equipment and devices standard to the industry involved.

- (2) In considering whether and under what circumstances to grant a use on appeal for such uses, the Board of Zoning Appeals shall consider the proximity of the site to residential areas, and the effect on such areas of fire hazard, noxious fumes, and noise associated with the proposed plant or facility, and the availability of more suitable sites within the I-2 zone.

- b. Any uses similar to the Permitted Principal Uses which are recommended as appropriate by the Board of Zoning Appeals.
- c. Retail or service uses which serve or are auxiliary to the needs of the Permitted Principal Uses.
- d. Telecommunication Towers and Stations as regulated in Article VI, Section 19. [Amended 2002]
- e. Meat processing facility

4. Prohibited Uses and Structures

- a. Dwelling units, including hotels and motels;
- b. Elementary and high schools;
- c. Hospitals and clinics, both public and private;
- d. Churches.

- e. Factory-manufactured structures built to HUD codes in single or multiple sections cannot be used for a non-residential use, except for temporary use at a construction site.
- f. Any other use not permitted or permissible on appeal.

C. AREA REGULATIONS

1. Lot Areas

Any principal use together with all accessory uses shall be located on a lot having a minimum of two (2) acres.

2. Front Yard

- a. All buildings except offices shall set back from all street right-of-way lines not less than sixty (60) feet.
- b. Offices shall set back from all street right-of-way lines not less than thirty-five (35) feet.

3. Side Yard

- a. No building shall be located closer than fifty (50) feet to a side lot line.
- b. The width of a side yard which abuts a residential district shall not be less than one-hundred (100) feet.

4. Rear Yard

- a. No building shall be located closer than thirty (30) feet to the rear lot line.
- b. The depth of any rear yard which abuts a residential district shall not be less than seventy-five (75) feet; provided, however, that no rear yard is required where the lot abuts on an existing or proposed railroad right-of-way or spur.

5. Maximum Lot Coverage

Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty (80) percent of the lot area.

D. HEIGHT REGULATIONS

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height. Accessory buildings shall not exceed two (2) stories in height.

E. SIGN REGULATIONS—[Amended 2014]

See Article VI, Supplementary Regulations, Section 27 Sign Regulations.

F. OFF-STREET LOADING REQUIREMENTS

Same as for I-1, Light Industrial District.

G. OFF-STREET PARKING

As regulated in Article VI, Section 5.

H. DRAINAGE AND STORMWATER MANAGEMENT [Amended 2005]

As regulated in Article VI, Section 22.

I. LANDSCAPE TREATMENT [Amended 2005]

As regulated in Article V, Section 6-E, I-1 Light Manufacturing in the I-1 Zoning District.

- J. SITE PLAN REQUIREMENTS FOR BUILDING PERMITS** [Amended 2005]
As regulated in Article VII, Section 2-B.
- K. INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL** [Amended 2006]
As regulated in the “Supplementary Regulations” under Article VI, Section 25.

ARTICLE VI

SUPPLEMENTARY REGULATIONS

SECTION 1 VISIBILITY AT INTERSECTIONS IN ALL DISTRICTS

On any corner lot to protect public safety and visibility of all traffic, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2½) and ten (10) feet above the centerline grades of the intersecting streets. The “clear space” is a triangular-shaped area extending 50 feet from the point of intersection along the 2 street lines of the corner lot and a line diagonally across the corner.

SECTION 2 FENCES, WALLS, AND HEDGES

In general, fences, walls and hedges are permitted within or along any required front, side or rear yard, unless specific regulations are found in another section of this Ordinance. However, the height of a fence, wall, or hedge along the front or side edge of any front yard must be less than two and one-half (2½) feet in height.

SECTION 3 MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT PERMITTED

More than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and all other requirements of that district can be met for each structure as if each were on a separate individual lot.

SECTION 4 STRUCTURES TO HAVE ACCESS

Every building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. In special circumstances, a building may be permitted to have access to an approved private street.

SECTION 5 OFF-STREET PARKING REQUIREMENTS

Whenever a building or structure is erected or enlarged or increased in capacity, off-street parking spaces for automobiles and other vehicles shall be provided, in all districts including the C-B, Central Business District, for which spaces will be one-half the requirement for other districts.

A. GENERAL PROVISIONS

1. COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

- Off-street parking shall meet the following parking requirements for spaces and aisles as shown on Illustration 1 at the end of this section. Note: 90 degree parking spaces shall be no less than nine (9) feet in width by nineteen (19) feet in length for a total area of one-hundred and seventy-one (171) square feet.
- Handicap parking for automobiles and vans shall meet current ADA (American Disabilities Act) regulations.
- Off-street parking shall be either on the same lot or if located on another property, shall be located within two-hundred (200) feet of the principal building, measured from the nearest point of the building to the nearest point of the off-street lot, without crossing any major thoroughfare.
- Except on lots occupied by single and two family dwellings, no parking spaces shall be designed so that a vehicle is required to back onto a public street or alley.

- Churches or other meeting halls may establish joint parking facilities for up to fifty (50) percent of their required spaces with institutions and agencies that do not have a time conflict on parking demand. The joint parking facilities must be located within four-hundred (400) feet of the church sanctuary or meeting hall.
- Grades within a paved area of a parking lot shall be placed no less than one (1) percent or no more than five (5) percent. Grades of driveways or entrances from a public street serving a parking lot of a commercial area shall at no point exceed eight (8) percent.
- Depending on the traffic conditions regarding multi-residential, commercial or industrial access points onto a street (excluding the necessary turning radius) shall not exceed thirty (30) feet for any multi-family use nor forty (40) feet for any non-residential use.
- Lots with less than seventy-five (75) feet of street frontage shall have no more than one (1) access point onto a public street.
- Lots with street frontage of between seventy-five (75) and four-hundred (400) feet shall have not more than two (2) points of access to any one (1) public street.
- Where two (2) access points are provided for one (1) lot frontage, an island of a minimum of thirty (30) feet in width shall be provided between them.
- Shopping centers, planned developments, developments with a series of attached structures or developments served by a common parking area will be considered as one (1) lot.
- No point of access shall be allowed within thirty (30) feet of the right-of-way line on any public intersection.
- Parking lots and driveways shall be surfaced with Portland cement or asphalt concrete and shall be constructed to provide for the adequate drainage. See "Drainage Requirement" as stated in Article VI, Section 22.
- Off-street parking area shall meet the landscape requirements as stated in Article VI, Section 23.
- Any lighting used to illuminate off-street parking lots shall be so arranged to prevent direct glare onto any public or private property or streets.
- Where sidewalks and/or curbs are removed for the construction of a new driveway or access entrance, a concrete apron will be constructed in conformance to the City of Algood or the Tennessee Department of Transportation (TDOT) highway standards. No construction shall be permitted until a valid permit has been obtained from the City of Algood or TDOT.

2. RESIDENTIAL USES:

- Off-street parking for duplex and multi-family must be paved with hard surface, with proper drainage. Off-street parking for single-family dwellings does not have to be paved.
- Off-street parking space shall consist of a parking lot, driveway, garage, carport, or combination thereof and must be located on the same lot with the house or apartments.

3. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

4. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
5. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.
6. The required off-street parking shall be for vehicles belonging to occupants, employees, visitors and patrons driving to and from the building, and shall not be used for storage of merchandise or vehicles, nor for motor vehicles for sale or inoperable, nor for the repair of vehicles.
7. Every company car, truck, tractor and trailer normally stored at the plant site shall be provided with off-street parking space in an area reserved for the use as determined by the planning commission.
8. Any transient tractor-trailer or only the trailer cannot be parked overnight on a public right-of-way.
9. In cases of dual functioning off-street parking where operating hours do not overlap, the planning commission may grant an exception.

B. TABLE OF REQUIRED PARKING SPACES

Note: Off-street parking is required in the C-B, Central Business District, but at one-half the number of spaces required in all other districts.

For uses not specifically listed below, off-street parking requirements shall be interpreted by the Board of Zoning Appeals.

PUBLIC AND SEMI-PUBLIC USES

1. Church or similar place of worship: 1 space per 3 seats of auditorium space
2. Club, lodge, or social organization: 1 space per 300 square feet
3. Community center, library and museum: 1 space per 300 square feet
4. Day care center: 2 spaces per classroom, plus 1 space per 500 square feet
5. Elementary/middle school: 2 spaces per classroom, plus 1 space per 150 square feet of gymnasium/auditorium, plus 1 space per 250 square feet of office space
6. Fraternities and sororities: 3 spaces per bedroom
7. Funeral home: 1 space per 50 square feet of assembly rooms and parlors
8. Group home: 1 space per bedroom or sleeping room
9. High school: 6 spaces per classroom, plus 1 space per 150 square feet of gymnasium/auditorium, plus 1 space per 250 square feet of office space
10. Hospital: 2 spaces per bed
11. Medical office and medical clinic: 1 space per 250 square feet
12. Nursing home: 1 space per 3 beds, plus 1 space per 200 square feet of office area
13. Theaters and auditoriums: 1 space per 4 seats

COMMERCIAL AND INDUSTRIAL USES

1. Automobile sales: 4 spaces per service bay, plus 1 space per 250 square feet of office and/or storage space
2. Automobile repair shop/service station: 4 spaces per service bay, plus 1 space per 250 square feet of office and/or storage space
3. Bank/financial service: 1 space per 250 square feet, plus each drive-through lane shall have a stacking length to accommodate a minimum of 4 vehicles per window.
4. Barber and beauty shops: 2 spaces per chair
5. Bed and breakfast: 1 space per guest room, plus 1 space per employee, plus 3 spaces for the principal dwelling
6. Grocery store: 1 space per 200 square feet, plus 1 space per 500 square feet of storage area
7. Hotel, motel and tourist home: 1 space per rented room, plus 1 space per 250 square feet of office area, plus 1 space per 4 persons to capacity of meeting and/or banquet rooms
8. Industrial and manufacturing: 1 space per 250 square feet of office area, plus 1 space per 500 feet of other areas
9. Office, general: 1 space per 250 square feet
10. Recreation and amusement areas: 4 spaces per court and/or 1 space per 150 square feet
11. Retail, general: 1 space per 250 square feet
12. Restaurant, lounge, and food service establishment: 1 space per 3 seats of capacity, plus 1 space per employee based on largest work shift
13. Restaurant, drive-through: Each drive-through land shall have a stacking length to accommodate 15 vehicles, plus 1 space per employee based on the largest work shift, plus 1 space per 3 seats of capacity if on-site dining is also provided
14. Wholesalers and warehousing: 1 space per 250 square feet of office area, plus 1 space per 500 feet of other areas

SEE PARKING LOT DIAGRAM 1 ON NEXT PAGE

SECTION 6 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations given within each District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 7 PARKING, STORAGE, OR USE OF RECREATIONAL VEHICLES

A travel trailer, pick-up camper, motor home, pop-up trailer or the like cannot be used for permanent living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or any other location not approved for such use. Temporary use not to exceed 14 days of such equipment to accommodate overnight guests is permitted.

SECTION 8 PARKING AND STORAGE OF CERTAIN VEHICLES

All automotive vehicles and truck-trailers subject to state registration requirements shall not be parked or stored on any property zoned R-1 or R-2 other than in completely enclosed buildings.

SECTION 9 LIGHTING

Lighting of all types shall be directed so as to reflect away from all residential districts, and shall be so situated so as not to reflect directly onto any public rights-of-way.

SECTION 10 STANDARDS FOR HOME OCCUPATIONS

- A. No home occupation shall be conducted in any accessory building.
- B. The use of the dwelling unit for the home occupation of the occupant(s) shall be clearly incidental and subordinate to its use for residential purposes by same occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. No alteration to the dwelling unit shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit.
- D. A home occupation shall be conducted only by a person resident of the premises and not more than one person, not a resident of the premises, can be employed.
- E. No traffic shall be generated by such home occupation in greater volumes that would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- F. No stock in trade shall be displayed outside of the dwelling.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, including visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage of the premises.

SECTION 11 STANDARDS FOR DAY CARE CENTERS (CHILDREN OR ELDERLY)

Child Day Care and Elderly Day Care facilities may be approved in certain districts and under certain conditions as either (1) Home Occupation/Accessory Use in a Residence, (2) Accessory Use at Church, School or Community Center, OR (3) Principal Use.

A. HOME OCCUPATION/ACCESSORY USE IN A RESIDENCE

May be permitted as home occupation/accessory use to principal use of the structure as the dwelling of the owner/operator of Day Care in R-1, R-2, C-A, and C-B Districts as Special Exception/Use Upon Appeal from the Board of Zoning Appeals under the following conditions:

1. For care of children, facility is or will be licensed as a Family Day Care or a Group Day Care by State Department of Human Services.
2. Applicant must specify number of children (or adults) to be kept and type of licensing being sought. Any change in status of licensing shall be reported to City Officials.
3. Day care facility generally must be located within the dwelling. Under special circumstances, the Board of Zoning Appeals may permit facility in an accessory building, such as a remodeled garage located in rear yard.
4. Applicant must present "Site Plan" drawn to scale showing dwelling and various features of property, location of fenced play areas, parking and loading areas, distances to adjoining dwellings, names of adjoining property owners/residents.
5. Applicant shall also provide "Off-street Parking and Loading Plan" showing driveways and parking spaces, including minimum of 2 spaces for household use plus 1 space per employee plus spaces equal to half maximum capacity of day care facility.
6. Applicant shall also provide written statements from adjoining property owners that they have been notified of proposed use.
7. Maximum 2 employees who are not residents of dwelling.
8. Sign maximum size of 3 square feet.
9. Register facility and use with E-911 Director and all emergency services.
10. File floor plan with Fire Department and Ambulance Services.
11. Obtain annual city business license.
12. Annual inspection by City Building Inspector.

B. ACCESSORY USE AT CHURCH (SCHOOL OR COMMUNITY CENTER)

May be permitted as an Accessory Use in R-1, R-2, C-A, and C-B Districts as a Special Exception/Use Upon Appeal from the Board of Zoning Appeals under the following conditions:

1. For care of children, facility is or will be licensed as Group Day Care or Child Care Center by State Department of Human Services.
2. Applicant/operator must specify number of children (or adults) to be kept and type of licensing being sought. Any change in status of licensing shall be reported to city officials.
3. Applicant/operator must submit "Off-Street Parking and Loading Plan", showing off-street parking spaces sufficient for employees, parents, and relatives, as well as for any van or bus used for the day care facility.
4. Sign maximum size of 3 square feet in R-1 or R-2 Districts or maximum size 16 square feet in C-A or C-B Districts.
5. Register facility and use with E-911 Director and all emergency services.
6. File floor plan with Fire Department and Ambulance Services.
7. Obtain annual City Business License.

C. PRINCIPAL USE

May be permitted as the Principal Use of property in R-1, R-2, C-A, C-B, and I-1 Districts as Special Exception/Use Upon Appeal from Board of Zoning Appeals under the following conditions:

1. In a R-1 or R-2 District, facility must be located on and accessed from an arterial or collector street, and be the only day care center in that block.
2. Minimum lot size for this facility in R-1 or R-2 Districts is 30,000 square feet.
3. For care of children, facility is or will be licensed as Group Day Care or Child Care Center by State Department of Human Services.
4. Applicant/operator must specify number of children (or adults) to be kept and type of licensing being sought. Any change in status of licensing shall be reported to city officials.
5. Applicant/operator must submit "Site Plan" drawn to scale showing building(s) and other various features of property, location of fenced play areas, parking and loading areas, adjoining property owners' names, distances to any adjoining structures.
6. Applicant/operator must submit "Off-Street Parking and Loading Plan" showing driveways and parking spaces including 1 space per employee plus spaces equal to half maximum capacity of day care facility plus spaces for each van or bus operated by the Day Care facility.
7. Applicant shall submit statements from adjoining property owners that they have been notified of proposed use.
8. Sign maximum size of 3 square feet in R-1 or R-2 Districts or maximum size of 16 square feet in C-A, C-B, or I-1 Districts.
9. Register facility and use with E-911 Director and all emergency services.
10. File floor plan with Fire Department and Ambulance Services.
11. Obtain annual City Business License.
12. Annual inspection by City Building Inspector.

SECTION 12 STANDARDS FOR MULTI-FAMILY

A. MINIMUM LOT AREA

Minimum of 18,000 sq. ft. for 1st 2 units plus an additional 4,000 sq. ft. per dwelling unit. Dwelling units per structure shall not exceed 8. All other lot and yard requirements same as R-2.

B. UTILITIES

The structure(s) shall be connected to city water with 6 in. lines and connected to city sewer with 8 in. lines.

C. MAINTENANCE OF STRUCTURE

The owner of the structure shall provide adequate supervision to maintain the structure, the yards, and the accessory equipment in a safe, sanitary, aesthetically pleasing condition.

D. STORAGE OF WASTE

A refuse disposal area and storage containers shall be provided and maintained in such manner as to meet local health requirements, and shall be screened from view.

E. OFF-STREET PARKING

Minimum of 2 off-street parking spaces per apartment unit, paved with hard surfacing.

SECTION 13 DEVELOPMENT STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENT

- A. DEFINITION:** A Planned Residential Development is an apartment or townhouse complex, condominiums, or other special housing development, where two or more housing units are grouped together in two or more buildings, are either sold or rented, with or without accessory structures providing recreational, cultural or other activities for residents therein. Planned Residential Development can also include single-family site-built homes designed as “zero lot line” or “patio home” concept.
- B. GENERAL LOCATION MAP**
Sketch map at a scale 1"=400 ft. showing relationship of proposed site to rest of community shall be submitted to the Board of Zoning Appeals, showing:
1. The approximate boundaries of the site.
 2. External public access streets or roads in relation to site.
 3. Surrounding development (general residential, commercial, and industrial areas) within one-half (1/2) mile of site.
 4. Location of existing public water and sewer systems in relation to site.
- C. SITE PLAN**
Site plan at a scale of 1"=50' or 1"=100' or 1" = 200' shall also be submitted to the Board of Zoning Appeals, showing:
1. Topographic contours at 5 foot intervals, and all drainage ways.
 2. Location and dimensions of proposed internal streets, drives and all structures.
 3. Location and dimensions of proposed off-street parking spaces and points of access (driveway cuts) into public streets.
 4. Location of all existing or proposed structures in the development.
 5. Location and size of available and proposed water and sewer lines.
 6. Location and dimension of any easements.
 7. Location of open space, walkways, landscaping, recreational areas, dumpsters, and the like.
- D. REQUIRED DEVELOPMENT STANDARDS AND IMPROVEMENTS:**
1. **Internal Streets**
 - a. Internal streets may be maintained as private streets or dedicated to the city.
 - b. Internal Collector: Exceeding 500 feet long or serving more than 20 dwelling units -- Right-of-way width minimum 50 ft. & pavement width 22 ft.
 - c. Internal Minor: Less than 500 feet long or serving less than 20 dwelling units -- Right-of-way width minimum 40 ft. & pavement width 18 ft.
 - d. Maximum grade on any street shall be 10 percent.
 - e. All intersections shall be at right angles.
 - f. The base of streets shall consist of crushed stone or gravel, 4 inches in depth, compacted.
 - g. Closed ends on dead-end streets shall provide a vehicular turnaround at least 80 feet in diameter.
 2. **Public Street Access**
 - a. Paved width of access point -- less than 40 units, minimum 24 feet; greater than 40 units, minimum 36 feet.
 - b. 2 or more access points -- Distance between 150 ft.
 - c. Minimum distance from intersection of 2 public streets -- 70 feet.

3. Utilities

Water -- Minimum 6 inches

Sewer -- Minimum 8 inches

4. Storage of Waste

- a. A central refuse disposal area, consisting of dumpster container located on an impervious surface appropriately screened with fencing and/or landscaping, to be developed and maintained by the developer, owner, or manager to meet all city and county health requirements. The screening and specific location must be approved by city administrator so that it is convenient for city garbage trucks.
- b. Storage, collection, and disposal of refuse shall not create a health hazard, rodent harborage, insect-breeding areas, accident hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner once per week.

5. Service Building

Service building(s) housing laundry, sanitation, manager's office, community room or other facilities for use by occupants shall be permanent structure(s) complying with all applicable codes.

6. Insect and Rodent Control

Entire development shall be kept free of rubbish and shall be maintained in a satisfactory condition at all times. Insect and rodent control measures must be taken to safeguard public health, as stated in the appropriate city ordinances and recommended by the health officer.

7. Fire Protection

- a. Fire hydrants shall be installed so that all buildings are within 500 ft. of a hydrant, providing the water system is capable of serving them.
- b. All areas in the development shall be kept free of litter, rubbish, and any other flammable material.
- c. Portable fire extinguishers rated for classes B and C fires shall be kept in service buildings and at other locations readily accessible for use by all occupants and shall be maintained in good operating condition, with capacity not less than 2-1/2 pounds.

8. Landscape Treatment

- a. A greenbelt planting strip 20 feet deep around the perimeter of the development, not including intersections. The strip shall be planted with minimum of one row of trees spaced not more than 10 feet apart, OR a row of shrubs spaced 3 feet apart of a type which will eventually grow to a height of 4 to 5 feet.
- b. Landscaping within the development shall be required to the extent needed to provide a suitable setting for structures in a group housing development.

SECTION 14 STANDARDS FOR CEMETERIES

- A.** The minimum size property for a new cemetery is 20 acres.
- B.** The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
- C.** Any structures, graves and burial lots within a cemetery shall be set back minimum 25 feet from any property line or street right-of-way line.
- D.** All required setback areas shall be landscaped and maintained.

SECTION 15 STANDARDS FOR GASOLINE SERVICE STATIONS

- A.** Building setback from all street rights-of-way of minimum 40 feet, and
- B.** In addition, all main and accessory buildings must be located at least 50 feet from any adjoining R-1 or R-2 district.
- C.** Minimum distance of 25 feet between the driveway to a service station and a public street intersection.
- D.** A raised curb at least 6 inches in height shall be constructed on all street property lines, except at driveway openings.
- E.** The length of curb cuts/openings for driveways shall not exceed 45 feet. Curb cuts cannot be closer than 10 feet to the side or rear property line.
- F.** If 2 curb openings give access to the same street, the openings must be separated by an island at least 25 feet along the right-of-way line.
- G.** To insure that sufficient room be provided on either side of the pumps without intruding upon sidewalks or on adjoining property, gasoline pumps must be located at least 50 feet from any R-1 or R-2 district.
- H.** Gasoline pump islands must be setback at least 15 feet from any street right-of-way line; however, if pump islands are constructed perpendicular to the pavement edge, the pump island must be located at least 30 feet from the right-of-way line.
- I.** Canopies must be setback at least 15 feet from street rights-of-way.

SECTION 16 STANDARDS FOR RESIDENTIAL HOMES FOR AGED

A. CONVERSION OF EXISTING STRUCTURE

- 1. Minimum 1 acre.
- 2. If any part of existing building or proposed additions are less than 25 ft. from a property line with adjoining residential structure, there must be installed a privacy (opaque) fence. Use of double-row landscape plantings or non -opaque fencing along all other side or rear property lines.
- 3. Off-street parking spaces = 1 space per bed, in order to provide sufficient parking for delivery vehicles, emergency vehicles, visitors, employees, etc.
- 4. Structure, renovations and additions to meet Standard Building Code and Plumbing Code, and hooked to city utilities.
- 5. Submit detailed site plan of property, showing parking, driveways, floor plan, emergency exits, distance from property lines, all adjoining properties, distances to adjoining residences.
- 6. Licensed by State as Residential Care Home for Aged.

B. CONSTRUCTION OF NEW STRUCTURE

- 1. Minimum 2 acres.
- 2. Building minimum side and rear setbacks of 35 feet.

3. Use of double-row landscape plantings or fencing along all property lines. Opaque fencing may be required by BZA if necessary.
4. Off-street parking spaces = 1 space per bed, in order to provide sufficient parking for delivery vehicles, emergency vehicles, visitors, employees, etc.
5. Structure to meet Standard Building Code & Plumbing Code, and be hooked to city utilities.
6. Submit detailed site plan of property, showing parking, driveways, floor plan, emergency exits, distance from property lines, all adjoining properties, distances to adjoining residences.
7. Licensed by State as Residential Care Home for Aged.

SECTION 17 STANDARDS FOR NURSING HOMES, HEALTH CLINICS AND HOSPITALS

- A. Minimum lot area for a nursing home or health clinic is 2 acres, and for a hospital 5 acres.
- B. SPECIAL SIDE AND REAR SETBACKS: Minimum 50 feet for a 1 story or 2 story building and minimum 55 ft. for 3 story building.
- C. All other regulations of the zoning district shall apply.
- D. The off-street parking requirements found in Article VI, Section 5 must be met.
- E. All regulations of the State of Tennessee shall be met.
- F. The entire site boundaries must be fenced, screened, and/or landscaped as appropriate to protect the surrounding residential area.
- G. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

SECTION 18A STANDARDS FOR MOBILE HOMES

- A. In order to park, store, occupy, set or place any **double-wide or modular multi-section mobile home** on any lot or tract of land within the corporate limits of Algood, Tennessee, the owner or occupant thereof has obtained a permit from the City Building Inspector.
- B. No permit shall be issued to park, set, occupy, store, or place any **single-wide mobile home** as herein defined within the corporate limits of Algood, Tennessee, except in a licensed mobile home park duly approved by the Board of Zoning Appeals.
- C. **Temporary permit for the placement of a single-wide mobile home** in locations other than in a duly approved and licensed mobile home park may be approved by the Board of Zoning Appeals under one of the following two situations:
 1. A temporary permit not exceeding 3 months may be issued for occupancy of a single-wide mobile home on a lot with another dwelling or building for living purposes where the applicant can show that such occupancy is necessary to provide for the guarding of a construction site. A temporary permit can be renewed for periods not to exceed a total of one (1) year.
 2. A relative or person charged with the care of an aged, sick, or infirmed person may be issued a temporary permit to park a single-wide mobile home in close proximity to the home of the person charged with such care. Such a mobile home shall be used exclusively for the occupancy of such aged or infirmed citizen, their nurse or attendant, provided that all health and safety standards are

set out in this Ordinance are complied with. Such a permit shall be subject to review on a 3 month basis. It is further provided that upon the death or removal of the aged or infirmed citizen, the mobile home shall cease to be used for occupancy as a residence. The utilities servicing the mobile home shall be removed from the lot or location within 30 days from the death or removal of the aged or infirmed citizen.

- D. **Existing Single-wide Mobile Homes** are not in compliance with the herein described regulations and are declared to be non-conforming uses subject to Article III, Section 2 of this Ordinance. An existing single-wide may not be replaced with another single-wide; only a new double-wide unit can be used as replacement.

SECTION 18B STANDARDS FOR MOBILE HOME PARKS

- A. **License Required.** It shall be unlawful for any person to maintain or operate within the corporate limits of Algood, Tennessee, any mobile home park, unless such person shall obtain from the City Recorder a license therefore issued only after approval of a building permit for such a park by the Board of Zoning Appeals. Licenses so issued shall not be transferable.
- B. **Expansion of Existing Mobile Home Parks.**
1. No additional mobile homes may be added to an existing mobile home park that is not in compliance with this Ordinance.
 2. When such a non-conforming mobile home park can be demonstrated to be in compliance with these regulations, appropriate permits and licenses may be issued upon review by the Board of Zoning Appeals, and expansion must then meet all requirements governing new mobile home parks.
- C. **DEFINITION OF TERMS.**
1. **Driveway** means a minor private way used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots or facilities.
 2. **License** means a written license issued by Algood Building Inspector allowing a person to operate and maintain a mobile home park under the provisions of this chapter and regulations issued hereunder.
 3. **Mobile home** means a factory-manufactured, transportable, single family dwelling unit suitable for year-round occupancy and containing a water supply, waste disposal, and electrical conveniences.
 4. **Mobile home lot** means a parcel of land for the placement of a single mobile home for the exclusive use of its occupants.
 5. **Mobile home park** means a contiguous parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.
 6. **Mobile home stand** means that part of an individual lot on which the mobile home unit is placed.
 7. **Park Management** means the person who owns or has charge, care, or control of the mobile home park.
 8. **Park Street** means a private way which affords a principal means of access to individual mobile home lots or auxiliary buildings.
 9. **Permit** means a written permit or certification issued by the Algood Board of Zoning Appeals permitting the construction, alteration, and extension of a mobile

home park under the provisions of this chapter and regulations issued hereunder.

10. **Person** means any individual, firm, trust, partnership, public or private association or corporation.
11. **Service Building** is an accessory building that could house the rental office, self-service laundry, maintenance equipment, and/or recreational facilities.
12. **Sewer Connection** means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the public sewerage system serving the mobile home park.
13. **Sewer riser pipe** means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
14. **Water connection** means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
15. **Water riser pipe** means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

D. PERMITS

1. It shall be unlawful for any person to construct, alter, or extend any mobile home park within the corporate limits of Algood, Tennessee, unless he holds a valid permit issued by the health authority and a building permit issued by the City of Algood in the name of such person for the specific construction, alteration, or extension proposed.
2. The City of Algood shall not furnish utilities to any mobile home park outside of the corporate limits of said city unless a valid permit is obtained for said mobile home park. Special parks (not meeting the minimum area requirement) outside the corporate limits accommodating a maximum of four units will be considered for approval if the other provisions of this chapter are met. Such parks must be removed or brought into full compliance with this chapter within 3 years after annexation of such property into the city.
3. All applications for permits shall contain the following:
 - a. Name and address of the applicant.
 - b. Location and legal description of the mobile home park.
 - c. Complete engineering plans and specifications of the proposed park at a scale no smaller than 1" = 200' showing but not limited to the following:
 - (1) The area and dimensions of the tract of land;
 - (2) The number, location, and size of all mobile home lots, and off-street parking spaces;
 - (3) The location and width of roadways and walkways; also external access streets or roads in relation to the site;
 - (4) The location of water and sewer lines and riser pipes;
 - (5) Plans and specifications of the water supply and refuse and sewage disposal facilities;
 - (6) Plans and specifications of all buildings constructed or to be constructed within the mobile home park;
 - (7) The location and details of lighting and electrical systems;
 - (8) Topography and drainage ways with contour lines at five (5) foot intervals; and
 - (9) A location map showing the park site in relation to the existing public street pattern and indication of the uses of property

- adjacent to the site and the location of all buildings within two hundred feet of the site;
- (10) The location and dimension of any easements.

E. DESIGN AND DEVELOPMENT REQUIREMENTS

1. Land Area and Location.

The minimum size of site is 3 acres in a single tract; however, the entire tract does not have to be developed at one time. The site must abut a public street.

2. Minimum Width.

The portion of the site containing mobile home stands and other buildings for the occupants -- 100 ft. width.

The portion of the site used for general vehicular entrances and exits only -- 50 ft. width.

3. Site Condition.

Conditions of soil, ground, water level, drainage, and topography shall not create hazards to property or to the health or safety of the court occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screening, or other solid material, or protected with vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

4. Location. No permanent residential structure shall be located within the site.

5. External Yards. In addition to yard and setback requirements applying generally in the zoning district, if a mobile home park adjoins the boundary of another zoning district, a yard of 25 feet shall be provided.

6. Vehicular and Pedestrian Circulation.

a. Internal Roadways

- (1) Designed to provide convenient circulation and access to mobile home spaces and to facilities for common use by occupants.
- (2) Roadways shall recognize existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.
- (3) Where feasible, all intersections shall be at right angles.
- (4) Grades on roadways shall not exceed 10%.
- (5) **Minimum right-of-way for entrance street is 50 ft.**

(6)	<u>Type of Road</u>	<u>Pavement Width</u>	<u>Right-of-Way Width</u>
	One-way/no on-street parking	12 feet	30 feet
	One-way/parking on 1 side	18 feet	40 feet
	One-way/ parking on both sides	24 feet	50 feet
	Two-way/ no on-street parking	20 feet	40 feet
	Two-way/parking on 1 side	26 feet	50 feet
	Two-way/parking on both sides	32 feet	60 feet

(7) Vehicular turn-around at end of dead-end of 80 ft. diameter.

- (8) **Construction and maintenance.** Roadways shall have an improved wearing surface constructed on a compacted base. Construction specifications for roadways shall be the same as the road specifications contained in Algood Regional Planning Commission Subdivision Regulations, to which reference is hereby made and incorporated herein by reference as if copied verbatim.

- b. **Access to exterior streets.** Entrances and exits to the Park shall be designed for safe and convenient movement of traffic in and out, and to minimize problems with movement of traffic on adjacent streets. Access points shall be subject to the following limitations:

(1) **Width of access points.**

One-way access points, minimum width	15 feet
Maximum width	25 feet
Two-way access points, minimum width	30 feet
Maximum width	40 feet

- (2) **Minimum distance between access points along street frontage.** Minimum distance between access points shall be 150 feet.

- (3) **Minimum distance between an access point and intersection.** A point of access shall not be permitted within 75 feet of the curb line (or street line when there is no curb) of any public street intersection.

- (4) **Access points in relation to street frontage.** On sites with less than 250 feet of street frontage, there shall be only one point of access; on sites with less than 500 feet of street frontage, there shall be not more than 2 points of access.

c. **Walks**

- (1) **General requirements.** All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

- (2) **Common walk system.** A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of 3 1/2 feet.

- (3) **Individual walks.** All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of 2 feet.

7. **Mobile Home Spaces or Lots**

- a. Individual plot spaces or lots for each mobile home shall be clearly defined and marked on the ground by metal stakes in each of the four corners of each space.
- b. **Setback from public street:** A mobile home shall be located a minimum of 30 feet from any public street or highway.
- c. **Each mobile home space shall be minimum of 90 ft. x 54 ft.,** providing that the mobile home is not greater than 14 ft. x 60 ft. in size.

- (1) If the mobile home will be longer than 60 feet, the space must be increased so that it exceeds the mobile home length by 30 ft.
 - (2) If the mobile home is wider than 14 ft., the space must be increased so that the space exceeds the mobile home width by 40 ft.
 - (3) Spaces abutting a public street must be greater in size to meet required 30 ft. setback of mobile home from any public street.
 - d. **Required separation between mobile homes:**
Mobile homes shall be positioned on spaces as described above so that there will be at least 20 feet between adjacent mobile homes and that a 10 foot minimum distance from all lot lines.
 - e. **Mobile home stands.** The area under and around the mobile home shall be improved to provide adequate support for the placement of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning. The mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile homes due to frost action, inadequate drainage, vibration, or other forces acting on the structure.
 - f. **Automobile storage.**
 - (1) Parking spaces shall be provided at the rate of at least one 10 x 20 foot car space for each mobile home space, plus an additional car space for each 2 mobile home spaces to provide for guest parking, two-car tenants, and for delivery.
 - (2) If required parking spaces are to be placed at either end of the mobile home space, an additional 20 feet must be added to the total length of the mobile home space.
 - (3) If required parking spaces are to be located on either side of the mobile home space, an additional 10 feet must be added to the total width of the mobile home space.
8. **Required recreation areas.**
- a. In all parks accommodating or designed to accommodate 25 or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.
 - b. The size of such recreation areas shall be based upon a minimum of 100 sq. ft. for each lot. No outdoor recreation areas shall contain less than 2,500 sq. ft.
 - c. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.
9. **Landscape Treatment.** Landscape treatment appropriate for use and location shall be required to the extent needed to provide a suitable setting for mobile homes and other facilities within the court. Screening is to be installed where necessary in relation to potentially undesirable views such as laundry yards, refuse collection points, and non-residential uses. Fences or free-standing walls shall be substantially constructed to withstand conditions of soil, weather, and use. Flora shall be hardy and planted so as to thrive with normal maintenance. A greenbelt planting strip composed of one row of trees spaced not more than 40 feet apart; or a row of shrubs spaced not more than 4 feet apart and which will eventually grow to a height of not less than 5 feet shall be located along all exterior lot lines of the above mentioned developments and parks.

10. **Utilities.** The development shall be serviced with sanitary sewers and public water on trunk lines not less than 8 inches and 6 inches, respectively.

F. SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES.

1. **General.** The requirements of this section shall apply to service buildings, recreation buildings, and other community facilities such as management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants.
2. **Required Community Sanitary Facilities.** Every park in which overnight stopping is permitted shall be provided with the following sanitary facilities: There shall be one flush toilet and one lavatory for each sex. The building containing such emergency sanitary facilities shall be accessible to all mobile homes.
3. **Structural Requirements for Buildings.**
 - a. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
 - b. All rooms containing sanitary or laundry facilities shall:
 - (1) Be at least 25 feet from any mobile home space.
 - (2) Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.
 - (3) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10 percent of the floor area served by them.
 - (4) Have at least devices which will adequately ventilate the room.
 - c. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
 - d. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.
 - e. All structures, gas, plumbing, and electrical installations shall conform to all building codes of the City of Algood.
4. **Barbecue Pits, Fireplaces, and Stoves.** Cooking shelters, barbecue pits, fireplaces, and wood-burning stoves, if used, shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open burning of trash or refuse shall be permitted. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

G. REFUSE HANDLING.

1. The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
2. All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse, and shall be provided by the tenant.
3. In a mobile home park with more than 5 mobile home spaces, a central refuse disposal area shall be developed and maintained by the mobile home park developer, owner, or manager in a manner that meets all city and county health requirements. Such an area shall consist of a dumpster container located on an impervious surface appropriately screened from view by fencing or landscaping. The screening and specific location shall not, however, interfere with the ease of city garbage trucks in collecting trash, rubbish and garbage from such a container.
4. Refuse collection stands shall be provided by the park management for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
5. All refuse container garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

H. INSECT AND RODENT CONTROL.

1. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.
2. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
3. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least one foot above the ground.
4. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
5. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects.
6. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

I. FUEL SUPPLY AND STORAGE.

1. **Natural Gas System.**
 - a. Natural gas piping systems, if natural gas is used, shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
 - b. Each mobile home lot provided with piped gas shall have an approved manual shut-off valve installed upstream of the gas outlet. The outlet

shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

- c. Systems shall have at least one accessible means for shutting off gas. Such means shall be maintained in effective operating condition.
- d. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
- e. Liquefied petroleum gas containers installed on a mobile home lot shall be securely, but not permanently, fastened to prevent accidental overturning. Such containers shall not be less than 2 1/2 or more than 200 U.S. gallons gross capacity.
- f. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any structure, unless such installations are approved by the health authority.

2. Fuel Oil Supply Systems.

- a. All fuel oil supply systems, if fuel oil is used, shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- b. All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.
- c. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home exit.
- d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

J. FIRE PROTECTION

- 1. Mobile home parks shall be kept free of litter, rubbish, and other flammable materials.
- 2. Portable fire extinguishers rated for classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 5 pounds.
- 3. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.
- 4. Fire hydrants shall be installed in accordance with the following requirements:
 - a. The water supply system shall permit the operation of a minimum of 2 one and one-half inch hose streams.
 - b. Each of two nozzles, held four feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.
- 5. Fire hydrants shall be located within 500 feet of any mobile home, service building, or other structure in the park.

K. PARK MANAGEMENT

- 1. The person to whom a license for a mobile home park is issued is responsible to operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- 2. The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

3. The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
4. The park management shall maintain a register containing the names of all park occupants identified by lot number or street address and the building permit number issued for the mobile home. This register shall be available to any authorized person inspecting the park.
5. The park management shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
6. The mobile home park management shall not locate or allow to locate any mobile home on any mobile home space unless it is first determined that a valid permit has been obtained from the city building inspector for such mobile home and that the number of such permit is appropriately recorded in the mobile home park register as specified in Subsection (4) above.

L. RESPONSIBILITIES OF PARK OCCUPANTS

1. Occupants shall comply with all applicable requirements of this chapter and shall maintain his mobile home lot, its facilities, and equipment in good repair and in a clean and sanitary condition.
2. Occupants shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
3. Pets, if permitted in the park, shall be prohibited to run at large or to commit any nuisance within the limits of any mobile home lot.
4. Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair.
5. Storage areas: Any enclosed storage area, including the space beneath a mobile home, must have a base of impervious material.
6. The park occupant shall store and dispose of all his rubbish and garbage in a clean, sanitary, and safe manner. The garbage container shall be rodent-proof, insect-proof, and watertight.
7. One fire extinguisher for Class B and C fires must be kept at each mobile home and maintained in working condition.

M. PENALTIES

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined under the general penalty clause for this code.

SECTION 19 MINIMUM DESIGN STANDARDS FOR TELECOMMUNICATION TOWERS AND STATIONS [Amended 2002]

It is the intent of this Section to avoid potential damage to property caused by towers and telecommunication facilities by ensuring such structures are soundly and carefully designed, constructed, modified, and maintained, while ensuring such towers are compatible with the surrounding land uses. The purpose of this Section is also to promote and encourage shared use/co-location of such towers and antenna support structures as a primary option, rather than the construction of single-use towers.

- A. Standards for Telephone, Telegraph, and Communication Transmitter Stations and Towers.** All transmitter stations, including towers and operating equipment located within the Town of Algood shall adhere to the following standards:

1. Design Requirements. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronics Industries Association ("EIA") standard 222E-1996 utilizing a wind rating of eighty miles per hour (80 MPH) plus ice loading for Algood, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional licensed engineer in the State of Tennessee and competent of such design.
2. Setback Requirement.
 - a. **Residential Districts.** All towers in any Residential district shall be set back from all property lines a distance that is equal to:
 - (1) for a guyed tower, seventy-five percent (75%) of its maximum height, or
 - (2) for a self supporting tower, one-hundred percent (100%) of its maximum height, and
 - (3) until such time as the tower is removed from the site, the entire setback area is to be held under lease, ensuring public safety by eliminating the possibility of further development in the setback area.
 - b. **Commercial and Industrial Districts.** All towers in any commercial or industrial district shall be set back from all property lines a distance that is equal to:
 - (1) for a guyed tower, forty percent (40%) of its maximum height, or
 - (2) for a self supporting tower, fifty percent (50%) of its maximum height, and
 - (3) until such time as the tower is removed from the site, the entire setback area is to be held under lease, ensuring public safety by eliminating the possibility of further development in the setback area.
3. Fencing. The immediate tower site in either fee simple ownership or leasehold procurement containing such tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.
4. Screening. Where the tower abuts or is contiguous to any Residential Zone, there shall be provided a continuous, solid screening, and it shall be of such plant materials as will provide a reasonable year-round evergreen screening. Screening herein shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained by the leaseholder or owner of the subject property. (See definition of buffer strip in the definition section.)
5. Tower Illumination. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three-hundred percent (300%) of the height of the Tower from the Tower and when required by federal law, dual mode lighting shall be requested from the FAA.
6. Parking and Access. The access drive to the site shall be passable, being adequate for use by automobile and small truck. There shall be two (2) improved parking spaces on-site.
7. Location and Co-Location. Every effort shall be made to collocate on existing towers or facilities. If the existing facilities are unsuitable (either technologically or

topographically), or no facilities exist, the tower shall be made available to others for co-location. The tower shall be designed to allow, at a minimum, for least two (2) additional co-locators.

8. FAA and FCC Standards. All towers must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal governments with the authority to regulate towers and antennas.
 - If such standards and/or regulations are changed, the owners of the towers and/or antennas governed by this ordinance shall bring such towers and/or antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency.
 - Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
9. Structural Integrity and Maintenance of Towers. The owner of the towers and/or antennas governed by this ordinance shall ensure the structural integrity of the tower and/or antenna is maintained in compliance with standards contained in applicable state and local building codes and the applicable standards for towers that are the most recently published and amended by the Electronic Industries Association.
 - If, upon inspection, the Town of Algood concludes that a tower and/or antenna fails to comply with such codes and standards and constitutes a danger to persons and/or property, then upon notice being provided to the owner of the tower and/or antenna, the owner shall have thirty (30) days to bring such tower and/or antenna into compliance with such standards.
 - Failure to bring towers and/or antennas into compliance with such revised standards and regulations within thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

B. Application Requirements. An application to develop a Transmission and Communications Tower shall include at a minimum the following:

1. A "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission Permit information.
2. Documentation that the entire setback area (as defined in Article III, Section 13, A3), is under lease.
3. The names, addresses, and telephone numbers of all owners of other Communications/Transmission Towers or Support Structures within a one-half mile (1/2) radius of the proposed new Tower site, including city-owned property.
4. An affidavit attesting to the fact that the project applicant made diligent, but unsuccessful, efforts to install or collocate the project applicant's telecommunications facilities on towers or useable antenna support structures owned by the city or other persons within a one-half (1/2) mile radius of the proposed tower site.
5. Written technical evidence from an engineer(s) that the proposed tower or telecommunications facility cannot be installed or collocated on any other tower or

antenna support structure within a one-half (1/2) mile radius of the proposed tower site. Evidence must show one (1) or more of the following reasons:

- The equipment would exceed the structural capacity of the existing approved tower and facilities.
- The planned equipment would cause frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
- Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively.
- Other reasons make it impractical to place the proposed equipment by the applicant on existing towers or facilities.

SECTION 20 BED AND BREAKFAST REQUIREMENTS [Amended 2000]

BED AND BREAKFAST AS DEFINED IN TCA 68-14-502:

- Private home, inn or other unique residential facility offering B&B accommodations and 1 daily meal.
- "B&B Homestay" has less than 4 guest rooms furnished for pay.
- "B&B Establishment" has 4 to 12 guest rooms furnished for pay.
- (More than 12 guest rooms would be classified as a hotel or motel.)
- Guests staying not more than 14 days.
- An innkeeper who resides on premises or on the property or immediately adjacent to it. (May be the owner, operator or employee of operator.)
- Guest rooms established and maintained distinct and separate from innkeeper's quarters.

BED AND BREAKFAST PERMITTED AS USE UPON APPEAL IN R-1, R-2, C-A, C-B WITH THE FOLLOWING REQUIREMENTS:

1. Minimum Lot Size:

- B&B with 1 to 4 guest bedrooms = one-half (1/2) acre
- B&B with 5 to 8 guest bedrooms = three-fourths (3/4) acre
- B&B with 9 to 12 guest bedrooms = one (1) acre

2. Submit Site Plan, Off-Street Parking Plan & Floor Plan:

- Show property dimensions with all structures, driveway, parking areas, adjoining structures, and property owners, distance to adjoining structures.
- Off-street Parking Requirement: 1 space per guest room plus 3 spaces for owner/occupants plus 1 space per employee.
- If facility also used as a tearoom, restaurant or group meeting site, must have off-street parking to accommodate maximum number of attendees. Up to 33% of off-street parking could be located at an off-site parking location (church, school, store, another house) with written approval by property owner.

3. Other Requirements:

- Obtain building permit if construction, remodeled or converted.
- Licensed, approved and permitted (annually) by State
- Copy of yearly state permit submitted to city with annual business license
- Submit floor plan and information about use to police department, fire department and 911.

SECTION 21 SELF-SERVICE STORAGE FACILITIES [Amended 2005]

The following special standards shall apply to all Self Service Storage Facilities before a Building Permit is issued. Note: A set of Construction Documents along with any drainage calculations must be presented to the city for review.

1. Facilities shall meet all lot size and setback standards as noted in the I-1 District.
2. No self service storage building shall exceed eighteen (18) feet in height.
3. All buildings separated by less than twenty (20) feet shall be constructed of material allowing for the provision of a two (2) hour fire wall.
4. A servicing fire hydrant shall be located no further than five-hundred (500) feet from the most remote part of the facility.
5. Parking shall be provided in parking/driving lanes adjacent to the storage buildings. These lanes shall be at least twenty-six (26) feet wide when storage cubicles open onto one side of the land only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
6. A minimum of two (2) parking spaces plus one (1) additional space for every two-hundred (200) storage cubicles shall be located adjacent to the facility's office.
7. All driving lanes, access aisles, loading areas and parking areas shall be surfaced with asphalt or concrete and marked for direction.
8. All paved surfaces shall be sloped at least two (2) percent to allow positive drainage away from all storage units and office buildings.
9. No construction of drainage improvements shall take place until a site drainage plan and specifications are presented indicating proper drainage of the site. Drainage calculations shall be provided indicating a ten (10) year and a one-hundred (100) year rainfall intensity. Detention basins provided for the site shall not exceed the before development rate based on the rainfall intensity (see Drainage and Stormwater Management Regulations in I-1 Zoning District)
10. The storage facility property shall provide either a six (6) foot height wood fence or a landscape buffer to screen the storage buildings from public view. Evergreen trees (sheared not natural) five (5) to six (6) feet in height spaced twelve (12) feet apart or evergreen shrubs that will be at least six (6) feet in height after three (3) years spaced at least four (4) feet apart. Screening of the on-site customer and service parking areas from public view is also included.
11. No outdoor storage is permitted.
12. Except for the sale or auction of items foreclosed upon by the owner of the facility, the sale or action of any item is specifically prohibited.
13. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.

14. The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.

SECTION 22 DRAINAGE AND STORMWATER MANAGEMENT [Amended 2006]

Stormwater management measures shall be taken and meet the following criteria:

1. No use of an impermeable surface (roof, parking area, sidewalks or similar surfaces), or the total of impermeable surfaces (combination of roof, parking area, sidewalk and similar surfaces) - matter the area, shall be permitted from which storm water runoff is discharged into the storm water drainage system at a rate greater than the rate at which water is being discharged from the site prior to the proposed development taking place except as approved by the Director of Public Works, Building Inspector, City Manager or the City's Consulting Engineer.
2. No construction of drainage improvements shall take place until a set of drainage plans and/or specifications is presented to and approved by the Director of Public Works, Building Inspector, City Manager or the city's Consulting Engineer.
 - a. Plans shall show all proposed drainage structures and points of discharge of stormwater from the site.
 - b. Plans shall be accompanied by a set of calculations which illustrate the flow of stormwater from each existing and proposed discharge point and shall be expressed in cubic feet per second (cfs) and gallons per minute (gpm).
 - c. Calculations shall show the discharge of water from these points under proposed and existing conditions.
3. The maximum allowable release rate of stormwater from any detention basin after development shall not exceed the before development rate based on a rainfall intensity having a minimum return interval of ten (10) years. (Applicants may claim a higher rate of runoff if documented by computations to show that a higher capacity exists in the natural outlets serving the area).
 - a. The facility shall also be checked for the 100 year frequency design.
 - b. The Director of Public Works or the city's Consulting Engineer has the right to require the design return interval to be 100 years or less in areas deemed critical or in cases where the design will result in small increases in facility size.
4. Large multi-family residential, commercial and industrial developments consisting of drainage ditches along the right-of-way of roads with high volume traffic surrounding their property, shall install drainage tiles and grates if drainage ditches are greater than eighteen (18) inches in depth or if the City of Algood determines vehicle safety is a concern near the development. Tile and grate sizes will be determined depending on the size of the existing tiles near the site, the amount of run-off from the site or the amount of run-off from existing developments up from the site. (Drainage calculations to be furnished).
5. No stormwater shall be channeled or directed into a sanitary sewer system.

SECTION 23 LANDSCAPE AND SCREENING REQUIREMENTS [Amended 2005]

PURPOSE AND INTENT

The purpose of this article is to provide minimum standards for provision of landscaping and screening within the Algood City Limits which will lessen the visual and environmental effects that large residential, commercial and industrial land uses can have on the community. To those ends, this article establishes the minimum standards by which more intensive land uses will be screened from adjacent public streets or from adjacent properties. In addition, this article delineates screening standards for the perimeter and interior of parking lot areas, high density residential, commercial and industrial developments that are next to residential areas regardless of zoning. **[Amended 2005]**

A. PERIMETER PARKING SCREENING REQUIREMENTS

A five (5) feet planting strip adjacent to a public street or public right-of-way shall be devoted to landscaping. All other required yard areas not occupied by sidewalks, driveways, or parking areas shall be devoted to landscaping as required for that particular Zoning District. Such landscaping strip shall be placed and maintained by the owner or occupant of the development. The strip shall be composed of the following:

- a. Perimeter screening for parking is required that is adjacent to a public street or right of way that contains six (6) or more cars.
- b. Evergreen and deciduous shrubs (70% evergreen) shall be spaced an average of three (3) feet apart. One (1) canopy tree shall be installed for every fifty (50) feet of perimeter parking area. Note: Two (2) ornamental trees can be substituted for one (1) canopy tree).
- c. Such shrubs shall be expected to be a minimum height of eighteen (18) inches when installed and grow to a maximum height of thirty-six (36) inches when fully grown. Shrubs installed shall be eighteen (18) to twenty-four (24) inches in a three (3) gallon container.
- d. Required canopy trees shall be at least eight (8) to ten (10) feet in height and one and three quarter (1 ¾) inch in caliper when planted. Ornamental trees shall be at least six (6) to eight (8) feet in height when installed. All trees to be balled and burlaped.
- e. No tree shall be planted closer than ten (10) feet from any driveway, fire hydrant, utility pole or street light. Canopy trees near any street intersection must have an eight (8) foot clearance and shrubs can be no more than eighteen (18) feet in height at mature growth.
- f. The remainder of the landscape strip shall be planted in grass, groundcover, or installed with other suitable material to include either gravel, stone or three (3) to four (4) inches of mulch.

B. INTERIOR PLANTING LOT REQUIREMENTS

Five (5) percent of the gross area of the parking area shall be landscaped. Interior planting islands are to be located within or adjacent to the parking area as tree islands. Interior planting areas shall be located so as not to impede stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

- a. The interior landscaping requirements of this article shall apply to all off-street parking facilities which contains 6,000 square feet or more pavement area.
- b. A minimum size of a parking island shall be two (2) parking spaces in length and at least seven (7) feet in width (Outside of six (6) inch curb)
- c. A minimum of one (1) canopy tree (See Section A-d) shall be planted within each of the planting Islands Note: Two (2) ornamental trees can be substituted for one (1) canopy tree.
- d. There shall be no more than twenty (20) parking spaces between islands in the parking lot area.
- e. Planting island shall be planted in grass, groundcover or installed with other suitable material to include either gravel, stone or three (3) to four (4) inches of mulch.

C. NON-CONFORMING PARKING AREAS

When the gross area of a non-conforming parking area is increased, compliance with this article is required as follows:

- a. Expansion by twenty-five percent (25%) or less. When a parking area is expanded by not more than twenty-five percent (25%), only the expanded area must be brought into compliance with this article.
- b. Expansion by more than twenty-five (25%) percent. When a parking area is expanded by more than twenty-five percent (25%), the entire parking area (pre-existing and expanded) shall be brought into compliance with this article.
- c. Repeated expansions. Repeated expansions of a parking area over a period of time commencing with the effective date of the ordinance codified in this title shall be combined in determining whether the twenty-five percent (25%) threshold has been reached.

D. LOTS ADJOINING RESIDENTIAL DISTRICTS

The following requirements shall apply to any non-residential zoning lots or parcels, which is adjacent to a residential district.

- a. Landscape buffer strip/ buffer shall be provided where high density residential, commercial, industrial or other non-residential developments abut single family residential developments. Fence, wall or landscape screen can be used to meet this requirement. See Article II, Definition #3 for regulations and requirements concerning landscape screening.

- b. Wooden (Board to board), open mesh, or woven-metal fencing along with a masonry or stone wall may be used as a screening provided such screen is sight-obscuring. However, plastic sheets or panels or corrugated sheet-metal or panels shall not be used as screening. All fences shall be a minimum of six (6) feet in height.

E. SCREENING OF SERVICE AREAS

Utility service areas and trash disposal units shall comply with the following landscape standards within the commercial and industrial districts and are in public view.

- a. Screening for utility structures and trash disposal units may be accomplished by enclosing the areas with a wall, fence (See Section D-b) or evergreen plantings.
- b. The height of the screening shall be a minimum of six (6) inches higher than the structure to be screened, but shall not exceed six (6) feet in height.
- c. Plant material used in the screening must be able to provide one-hundred (100%) percent screening within three (3) to four (4) years.

F. PLAN REQUIRED

Site developments requiring landscaping and screening shall have a landscape plan submitted to the City of Algood for the Building Inspector and Planning Commission to review.

- a. Landscape plans shall be prepared, stamped and signed by a Licensed Landscape Architect for parking areas that meet or exceed a total pavement area of 30,000 square feet.
- b. Landscape plans shall be drawn not to exceed one (1) inch to fifty (50) feet in scale. A north arrow and scale, vicinity map and a title block to be shown on the plan. Plan shall also contain a plant schedule indicating plant names along with a plan key, quantity, size and condition. Plant notes and details shall be included.

LANDSCAPE AND SCREENING PLANT MATERIALS CITY OF ALGOOD

The following list of plant material is to be used as a guide for the selections of plants for use on Landscape Plans submitted to the City of Algood and the Planning Commission.

DECIDUOUS SHADE TREES

BOTANICAL NAME	COMMON NAME	
Acer platanoides	Norway Maple	
Acer rubrum	Red Maple	
Acer rubrum 'Armstrong'	Columner Red Maple	
Acer rubrum 'Autumn Flame'	Autumn Flame Maple	
Acer rubrum 'October Glory'	October Glory Maple	
Acer rubrum 'Red Sunset'	Red Sunset Maple	
Acer saccharum	Sugar Maple	
Fraxinus americana	White Ash	
Fraxinus pennsylvanica	Green Ash	
Ginkgo biloba (Male only)	Maidenhair Tree	
Gleditsia tricanthos var. inermis	Thornless Honeylocust	
Gleditsia tricanthos 'Shade Master'	Shade Master Honeylocust	All Trees 1-3/4" Cal. 8'-10' HT.
Gleditsia tricanthos 'Skyline'	Skyline Honeylocust	
B&B		
Liquidambar styraciflua	Sweet Gum	
Liriodendron tulipifera	Tulip Poplar	
Plantanus occidentalis	Sycamore	
Plantnus x acerifolia 'Bloodgood'	London Planetree	
Quercus borealis	Northern Red Oak	
Quercus coccinea	Scarlet Oak	
Quercus macrocrpa	Bur Oak	
Quercus palustris	Pin Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Red Oak	
Sassafras albidum	Common Sassafras	
Taxodium distichum	Bald Cypress	
Tilia americana	American Linden	
Tilia cordata	Littleleaf Linden	
Zelkova serrata	Zelkova	

SMALL ORNAMENTAL TREES

Acer campestre
Acer ginnala
Amelanchier canadensis
Betula nigra 'Heritage'
Carpinus caroliniana
Crataegus phaenopyrum
Cercis canadensis
Cornus florida
Cornus kousa
Cupressocypariss leylandii
Koeleruteria paniculata
Magnolia soulangeana
Magnolia stellata
Magnolia virginiana
Malus x 'Katherine'
Malus x 'Red Jade'
Malus x 'Sargentii'
Malus x 'Snowdrift'
Malus x 'floribunda'
Prunus cerasifera 'Atropurpurea'
Prunus serrulata 'Kwanzan'
Prunus yedoensis 'Yoshino'

Hedge Maple
Amur Maple
Serviceberry
River Birch
American Hornbeam
Washington Hawthorn
Eastern Redbud
Flowering Dogwood
Kousa Dogwood
Leyland Cypress
Golden Raintree
Saucer Magnolia
Star Magnolia
Sweetbay Magnolia
Katherine Crabapple
Red Jade Crabapple
Sargeants Crabapple
Snowdrift Crabapple
Japanese Crabapple
Purple Leaf Plum
Japanese Flowering Cherry
Yoshino Cherry

All Trees 6'-8'Ht.
B & B

All Trees 6'-8' Ht
B & B

EVERGREEN TREES

Ilex opaca
Ilex x attenuata 'Fosteri'
Ilex cassine 'Nellie R. Stevens'
Juniperus virginiana
Picea abies
Pinus nigra
Pinus strobus
Pinus sylvestris
Thuja occidentalis 'Nigra'
Tsuga canadensis

American Holly
Foster Holly
Nellie R. Stevens Holly
Eastern Red Cedar
Norway Spruce
Austrian Pine
White Pine
Scotch Pine
Pyramidal Arborvitea
Canadian Hemlock

All Trees 5'-6' Ht.
B & B

DECIDUOUS SHRUBS

Abelia x grandifolia
Berberis thunbergii 'Crimson Pygmy'
Chanomeles species
Eounymus alatus 'Compactus'
Euonymus kiautschovicus 'Manhattan'
Forsythia x intermedia 'Lynwood Gold'
Hydrangea quercifolia
Spirea x vanhouttei
Spirea x bumalda 'Anthony Waterer'

Glossy Abelia
Crimson Pygmy Barberry
Flowering Quince
Dwarf Burning Bush
Manhattan Euonymus
Lynwood Gold Forsythia
Oakleaf Hydrangea
Vanhouttei Spirea
Anthony Waterer Spirea

All Shrubs 18"-24"
3 Gallon

EVERGREEN SHRUBS

Buxus microphylla 'Korean'
Eleagnus pungens
Ilex cornuta 'Burfordii Nana'
Ilex cornuta 'China Girl'
Ilex crenata 'Compacta'
Ilex crenata 'Greenluster'
Ilex meserveae 'Blue Prince'
Juniperus chinensis 'Pfitzeriana'
Juniperus chinensis 'Sargentii'
Juniperus chinensis 'Sea Green'
Nandina domestica
Prunus laurocerasus 'Otto Luyken'
Taxus media 'Densiformis'
Viburnum carlessii
Viburnum 'Chesapeake'
Viburnum x burkwoodii
Viburnum dentatum
Viburnum judii
Viburnum 'Mariessii'
Viburnum rhytidophyllum

Korean Boxwood
Thorny Eleagnus
Dwarf Burford Holly
China Girl Holly
Compact Holly
Greenluster Holly
Blue Prince Holly
Pfitzer Juniper
Sargent Juniper
Sea Green Juniper
Heavenly Bamboo
Otto Luyken Laurel
Spreading Yew
Koreanspice Viburnum
Chesapeake Viburnum
Burkwood Viburnum
Arrowwood Viburnum
Judii Viburnum
Doublefile Viburnum
Leatherleaf Viburnum

All Shrubs 18"-24"
3 Gallon

All Shrubs 18"-24"
3 Gallon

All Shrubs 30"-36"
3-5 Canes
B & B or 5 Gallon

SECTION 24 METHADONE OR SIMILAR TREATMENT FACILITY [Amended 2005]

Methadone or similar treatment facilities are to meet the following conditions as "Use Upon Appeal" in C-A, C-B and C-C Zoning Districts:

- A. Shall not be located closer than 1,500 feet, as measured from the nearest property line to the nearest property, from any existing property used or zoned for residential purposes.
- B. Shall not be located closer than 1,500 feet from any school, child care facility, public playground, public park or church or similar place of worship.
- C. Shall not be located on a street with a classification of less than major collector status.

SECTION 25 INSTALLATION, COMPACTION AND DRAINAGE OF FILL MATERIAL [Amended 2006]

Purpose: To promote building and site planning practices that are consistent with the city's natural topography, soils and vegetative features that will preserve and enhance the physical and aesthetic character of the land. To reduce the risk of slides and unstable building sites and to minimize surface runoff which may contribute to flooding and the siltation of nearby properties, storm sewer systems, streams and lakes.

Fill material areas 2,500 square feet or greater shall take measures to meet the following criteria:

- A. Dumping of fill material of new, existing and incomplete sites shall require a permit from the City of Algood and if required, a report from a registered Civil Engineer in regards to type of fill/soil being installed on the site, the compaction rates required and the control of drainage runoff from the site. (Calculations need to be provided to the City of Algood and the City Consulting Engineer).
- B. Fill material to be installed shall be free of debris such as old lumber from construction, logs, brush, broken and poured concrete, broken or loose asphalt, sheetrock, wire/cable, metals or any old household appliances.
- C. Fill material shall be installed in 8" to 10" inch increments and rolled to 95% standard compaction. To be inspected by the City Official/City Consulting Engineer.
- D. Erosion and runoff control measures such as silt fence, straw bales, check dams, silt retention ponds or erosion control fabric shall be implemented to control drainage runoff from the site or even the detention/retention areas.
- E. Slopes 3:1 or greater shall be stabilized to control erosion runoff.
- F. If required by the City of Algood, drainage and stormwater management control measures shall be taken as indicated in the "Supplementary Regulations" under Article VI, Section 22.
- G. Penalties for violation shall be as prescribed in the "Administration and Enforcement" section under Article VII, Section 8.

SECTION 26 FLOODPLAIN ORDINANCE

ORDINANCE NO. 474

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

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

Section A. Statutory Authorization

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

Section B. Findings of Fact

1. The City of Algood Mayor and its Legislative Body wishes to establish 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 Algood, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which 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 establish 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 its most reasonable application given its stated purpose and objectives.

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

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

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

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent 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 landmasses. This peril is not per se covered under the Program.

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

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

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the

construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

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

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

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

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 preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on 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, reconstruction's, rehabilitation's, 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 Algood, Tennessee.

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

The Areas of Special Flood Hazard identified on the Algood, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number _____ N/A _____, dated _____ N/A _____, 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 Algood, 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 Algood, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Public Works Director 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 Algood, 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

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

Section A. Board of Zoning Appeals

1. The Algood 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 Floodplain Review 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.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of Algood, Tennessee, the most restrictive shall in all cases apply.

Section B. Validity

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

Section C. Effective Date

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

Recommended by the Algood Regional Planning Commission

Date

Public Hearing.

Date

Approved and adopted by the Algood, Tennessee Mayor and Aldermen.

Date

Mayor of Algood, Tennessee

Attest: _____
City Recorder

1st Reading _____

2nd Reading _____

Section 27 GENERAL SIGN REGULATIONS

These provisions are established as a reasonable and impartial method of regulating signs and similar advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, to protect property values of the entire city, and to enhance the aesthetics of the community. In addition to regulations indicated for individual districts elsewhere in this zoning ordinance, the following regulations apply in groups of districts or generally in all districts as specified:

SIGN PERMIT REQUIRED

For all signs allowed in any residential, commercial or industrial zoning district as shown on the Official Zoning Map of the City of Algood, Tennessee or with any residential, commercial or industrial use, the following regulations unless otherwise noted herein shall apply:

An application for a sign permit shall be submitted to Algood City Hall on forms furnished by the office and approved prior to the erection, relocation, major alteration or modification or any sign located in the City of Algood.

The application for a sign permit shall contain the following information:

1. Name, address and telephone number of applicant.
2. Location of building, structure or lot to which or upon which the sign is to be located.
3. Affidavit from property owner, if different from sign owner, indicating approval for sign location.
4. Name of person, firm, corporation or association that will be erecting the sign.
5. Evidence of liability insurance policy or bond responsibility for sign erection.
6. Brief description, sketch or drawing of the proposed sign, including all dimensions and estimated cost.
7. Evidence of setback compliance for all freestanding sign structures. Determination of setbacks shall be as specified for the established zoning districts in the Algood Zoning Ordinance.
8. Engineered drawings for any sign exceeding twenty (20) feet in height or one hundred fifty (150) square feet in sign face area. Engineered drawings may be required for other signs if determined as necessary by the City's Building Inspector.
9. Evidence of receipt of Electrical Inspection Permit for any sign requiring electrical power and evidence of such sign being approved and stamped by Underwriters Laboratory (UL number shall be provided).
10. Sign permits shall become null and void six (6) months from the date of issuance if the work authorized under the sign permit has not been commenced by that time.
11. Inspections Required. Inspections by the City Building Inspector shall be completed on all footers and upon completion of the final installation of a sign. A minimum notification of twenty-four (24) hours shall be provided to the City's Building Inspector prior to any required inspection. The State Electrical Inspector shall inspect signs requiring electricity.
12. Certificate of Approval Required. No sign shall be considered in compliance with these regulations until such time as a Certificate of Approval has been issued. A Certificate of Approval shall be issued on the date that the final inspection of the sign is completed and approved by the City's Building Inspector.

FEES

A sign permit fee shall be submitted to the City of Algood with the application for the sign permit. The permit fee shall be based on the square footage of sign face area, per sign face, as follows:

1. 100 square feet or less of sign face area: \$0.25 per square foot with a minimum fee of \$15.00
2. 250 square feet or less of sign face area: \$0.50 per square foot
3. Greater than 250 square feet of sign face area: \$1.00 per square foot

For applications involving multiple signs, the permit fee shall be calculated separately for each sign.

General Regulations for all Districts

For all zoning districts as shown on the Official Zoning Map of the City of Algood, Tennessee the following regulations for signs and similar advertising structures shall apply:

- (a) No sign shall be located in such a manner so as to obstruct free or clear vision, or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.
- (b) No sign shall be erected, replaced or relocated so as to prevent free use of any required door, window, fire escape, emergency exit or standpipe.
- (c) No sign shall be located on, or attached to, any public property except public signs authorized by the City of Algood or the State of Tennessee.
- (d) No sign shall be located on or overhanging any public rights-of-way, except for certain signs specifically permitted in the C-B Central Business District.
- (e) Setbacks for all signs shall be measured from the leading edge of the sign as determined by the City's Building Inspector.
- (f) No sign shall be painted or attached to any trees, rocks, utility poles, guy wires, street name signs, warning and regulatory signs, and the like.
- (g) No sign shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color. Signs or portions of signs designed primarily for the display of time and temperature and on premise message centers are specifically excluded from the provisions of this paragraph.
- (h) No sign shall be placed in such a manner as to impede visibility between a height of two (2) feet and ten (10) feet above street level of intersecting streets at their point of intersection in an area defined by the street lines adjoining the corner lot and a line joining points along said street lines fifty (50) feet from the point of intersection.
- (i) All signs designed or equipped to be connected to electricity in any way shall be approved and stamped by Underwriters Laboratory, and shall not be connected to any source of electrical power until such connection meets all applicable city and state codes.
- (j) All signs shall be erected, replaced, or relocated in accordance with the City of Algood Municipal Code.

The following provisions shall apply for all vehicle or trailer signs:

1. The parking or placing of a vehicle or trailer sign on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a message is prohibited.
2. No vehicle or trailer sign shall be parked or placed off or away from the premise that owns it, except during the normal course of business, such as deliveries, picking up merchandise, or service calls.
3. When a vehicle or trailer sign is parked or placed on the premise that owns it such signs shall be parked or placed in a designated parking space.
4. This section is not intended to prohibit signs that are placed on a vehicle to advertise the sale or lease of that vehicle.

Signs Allowed in all Districts

The following signs do not require sign permits and are allowed in all zoning districts:

- (a) Signs established by, or by order of, any governmental agency.
- (b) Directional signs for parking and loading areas, entrance and exit signs not exceeding twelve (12) square feet in area or three (3) feet in height, however, no such signs shall have the effect of obstructing ingress and egress visibility.
- (c) Real estate signs during the time the property on which the sign is located is listed for sale, lease or auction. Such signs shall not exceed sixteen (16) square feet in sign face area or any individual lot of record located in any residential district and shall not exceed thirty-two (32) square feet in any non-residential district. Such signs shall be removed within fourteen (14) days after the transaction is completed. Off-premise real estate signs, including directional and open house signs, are permitted for one seven (7) consecutive day period during any twelve (12) consecutive month period. Auction signs shall be permitted as events of public interest where no more than (4) temporary auction signs shall be allowed, provided that no such sign shall exceed thirty-two (32) square feet in area and provided that such signs shall not be erected more than fourteen (14) consecutive days prior to the scheduled event and provided that such signs shall be removed within three (3) consecutive days following the event.
- (d) Construction signs, not exceeding thirty-two (32) square feet in sign face area, from the date of issuance of a building permit to a date thirty (30) days after the final inspection on the building project.
- (e) Signs denoting the future home of or future location of a particular use or structure, not exceeding thirty-two (32) square feet of sign face area, for a period of ninety (90) days prior to the issuance of a building permit through the building permit period. Such signs shall be immediately removed if no building permit is issued within ninety (90) days of the sign being erected.
- (f) Garage or yard sale signs, not exceeding six (6) square feet in sign face area, for a period of five (5) days prior to and during a garage sale or yard sale. Such signs shall be removed within twenty-four (24) hours after the sale is completed.
- (g) On-premise promotional signs for new subdivisions limited to one (1) sign per subdivision. Such signs shall be not exceed thirty-two (32) square feet in sign

face area and shall be removed when eighty (80) percent of the subdivision lots have been sold.

Signs Allowed in Residential Districts

In R-1, R-2, R-3 and RD Residential Districts, as shown on the Official Zoning Map of the City of Algood, Tennessee, the following regulations for signs and similar advertising structures shall apply:

- (a) Nameplates indicating name, address, house numbers are allowed but shall not exceed two (2) square feet in sign area. No more than one (1) such sign per lot or parcel shall be allowed.
- (b) Signs posted on property relating to private parking, trespassing, or dangerous animals are allowed but shall not exceed two (2) square feet in sign area. No more than two (2) such signs per lot or parcel shall be allowed.
- (c) For multi-family complexes, apartment buildings, and mobile home parks, identification signs not exceeding sixteen (16) square feet in sign area are allowed.
- (d) For customary home occupations signs not exceeding three (3) square feet are permitted and must be granted by the City of Algood Board of Zoning Appeals.
- (e) Church, school, childcare, or public building bulletin boards or identification signs are allowed but shall not exceed fifty (50) square feet in sign area.
- (f) No sign shall be placed closer than ten (10) feet to any property or right-of-way line.
- (g) For a subdivision consisting of ten (10) or more lots or a multi-family development consisting of eight (8) or more dwelling units, two (2) permanent signs identifying the development at each major vehicular entrance are allowed, provided that the location and setback requirements of the Algood Zoning Ordinance are complied with, and provided that such signs do not exceed eight (8) feet in height and sixty-four (64) square feet in area.
- (h) For existing nonconforming commercial or industrial uses located in residential districts, on-premise business signs are allowed provided the provisions of Article III, Non-Conforming Lots and Uses of Land of the Algood Zoning Ordinance are complied with.
- (i) Flashing or intermittent illumination is prohibited.
- (j) Mobile or portable signs are prohibited.
- (k) Billboards and similar off-premise signs are prohibited.

Signs Allowed in Commercial and Industrial Districts

In the C-A, C-B and C-C and I-1 and I-2 Districts, as shown on the Official Zoning Map of the City of Algood, Tennessee, the following regulations for signs and similar advertising structures shall apply:

- (a) All signs allowed in Residential Districts, subject to the same regulations, are allowed.
- (b) Each commercial and industrial premise with less than 400 feet of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed one (1) on-premise freestanding business sign structure per public street frontage, but in no case

- shall more than two (2) freestanding sign structures be permitted on any premise regardless of the number of street frontages.
- (c) Each commercial and industrial premise with greater than 400 feet of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed two (2) on-premise freestanding business sign structures per public street frontage, but in no case shall more than three (3) freestanding sign structures be permitted on any premise regardless of the number of street frontages.
 - (d) The following provisions shall apply for all **on-premise freestanding** signs:
 - (1) For commercial and industrial premises with fifty (50) feet or less frontage on a public street **or located in the C-B Central Business District** the maximum sign face area of any freestanding sign shall not exceed fifty (50) square feet.
 - (2) For commercial and industrial premises with greater than fifty (50) feet but less than 100 feet of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed 100 square feet in total sign face area.
 - (3) For commercial and industrial premises with 100 feet or greater of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed 250 square feet of total sign face area.
 - (4) In cases where a commercial or industrial premise is allowed two (2) freestanding signs, the aggregate sign face area of both signs shall not exceed 400 square feet. In cases where a commercial or industrial premise is allowed three (3) freestanding signs, the aggregate sign face area of all signs shall not exceed 500 square feet.
 - (5) No on-premise freestanding sign shall be located closer than 100 feet from any other on-premise freestanding sign located on the same premise as measured in a radius from the center of the sign base.
 - (6) No part of any on-premise freestanding sign shall be placed closer than twenty-five (25) feet from any other on-premise located on a different premise or any off-premise freestanding sign as measured from the center of the sign base.
 - (7) No on-premise sign between the height of two (2) feet and eight (8) feet above street level shall be located closer than fifteen (15) feet to the right-of-way of any public street.
 - (8) No on-premise sign with a support structure, pole or pole cover of a width greater than two (2) feet shall be placed closer than fifteen (15) feet to the right-of-way of any public street.
 - (9) No on-premise sign shall be located closer than five (5) feet to the right-of-way of any public street.
 - (10) No part of any on-premise freestanding sign located in the C-1 Limited Business District shall be higher than twenty (20) feet from street level at a point nearest the sign.
 - (11) No part of any on-premise freestanding sign located in the C-A and C-B, C-C, I-1 and I-2 Districts shall be higher than thirty-five (35) feet from street level at a point nearest the sign.
 - (e) Each commercial or industrial establishment shall be allowed **wall** signs for on-premise advertising on each outside wall provided that such signs in total shall

- not exceed fifty (50) percent of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the commercial or industrial establishment, whichever is less, and further provided that if more than one (1) outside wall is utilized for signs then no mansard roof sign shall be allowed.
- (f) Each commercial or industrial establishment shall be allowed one (1) **mansard** sign for on-premise advertising provided that only one (1) outside wall is used to place signs. No mansard sign shall exceed twenty-five (25) percent of the area of the face of the building upon which it is erected, or portion of the face of the building occupied by the commercial or industrial establishment. Where mansard and wall signs are used in combination they shall not in total exceed fifty (50) percent of the face of the building.
 - (g) No sign attached to the building shall be allowed to extend above the highest portion of the roof or facade.
 - (h) Each commercial or industrial establishment shall be allowed one (1) **projecting** sign provided that such sign shall not exceed twenty (20) square feet in sign face area and shall not extend above any portion of the roof of the building occupied.
 - (i) Each commercial or industrial establishment shall be allowed **fascia** signs provided that such signs do not exceed two (2) feet in height and do not extend above the highest portion of the roof.
 - (j) **Awning, canopy, marquee and under-awning** signs are permitted for commercial and industrial establishments. Under-awning signs shall not exceed four (4) square feet in sign face area and shall be placed at least seven (7) feet above the sidewalk or ground level so as to not constitute a hazard or impediment to pedestrians.
 - (k) For structures located in the C-B Central Business District directly abutting the public right-of-way, awning, canopy, or marquee signs overhanging the public right-of-way are allowed provided that no such sign shall be closer than two (2) feet to any street pavement line and provided that no such sign shall obstruct free or clear vision or otherwise cause hazards for vehicular or pedestrian traffic.
 - (l) **Mobile or portable** signs are permitted only in the C-A District and only under the following terms and conditions:
 - (1) Only one (1) mobile or portable sign shall be allowed per premise.
 - (2) Mobile or portable signs shall only be allowed for two (2) periods, not to exceed fourteen (14) days each, during any calendar year (January 1– December 31).
 - (3) A special permit is required for any mobile or portable sign.
 - (m) **Banners and other temporary on-premise** signs are permitted only under the following terms and conditions:
 - (1) No freestanding banners or other temporary on-premise freestanding signs shall be permitted.
 - (2) Each individual establishment shall be allowed one (1) banner or other temporary on-premise sign attached to a wall, fascia, mansard roof, canopy or awning.
 - (3) No individual banner or other temporary on-premise sign shall exceed 100 square feet in sign face area.
 - (4) All banners and other temporary on-premise signs shall be well maintained. Any damaged signs shall be immediately repaired, replaced or removed.

- (n) For events of public interest, no more than (4) temporary off-premise signs shall be allowed, provided that no such sign shall exceed thirty-two (32) square feet in area and provided that such signs shall not be erected more than twenty-one (21) consecutive days prior to the scheduled event and provided that such signs shall be removed within three (3) consecutive days following the event.
- (o) All **billboards and similar off-premise** signs shall be permitted only in the C-A or I-1 District along Highway 111 under the following terms and conditions:
 - (1) No off-premise sign shall be located within 2,000 feet of any other off-premise sign on the same side of the street as measured along a line parallel to such street; this spacing does not prohibit back to back signs on the same structure.
 - (2) No off-premise sign shall be located within 500 feet of any other off-premise sign on the opposite side of the street or on a different street as measured in a radius from the center of the sign base; this spacing does not prohibit back to back signs on the same structure.
 - (3) No off-premise sign shall be erected or placed closer than 500 feet from the nearest property line of any property that is zoned residential and has frontage on the same side of the street as the off-premise sign.
 - (4) No off-premise sign shall be located closer than 100 feet from any street intersection as measured from the leading edge of the sign.
 - (5) No off-premise sign shall be located closer than twenty-five (25) feet from any on-premise sign as measured from the center of the sign base.
 - (6) No off-premise sign shall have a display surface area exceeding 300 square feet.
 - (7) No off-premise sign shall exceed fifty (50) feet in height as measure from the uppermost portion of the display surface area to the finished grade at street level.
 - (8) The sign face shall consist of a single panel and only one side or face shall be used in determining the display surface area.
 - (9) Back-to-back panels of the same shape and dimensions are allowed when the panels are mounted parallel to one another or are placed at an angle between panels not exceeding forty-five (45) degrees. No display surface area shall be allowed between back-to-back panels.
 - (10) No multiple panels, stacked or side-by-side panels are permitted.
 - (11) All off-premise signs shall be of monopole type construction. No off-premise sign shall be attached to the walls or roofs of any building.
 - (12) No portable signs are allowed for off-premise advertising.
 - (13) No off-premise sign between the height of two (2) feet and eight (8) feet above street level shall be located closer than fifteen (15) feet to the right-of-way of any public street.
 - (14) No off-premise sign shall be located closer than five (5) feet to the right-of-way of any public street.
 - (15) Billboard annual license fee of \$100.00.

Sign Maintenance

For all signs and similar advertising structures, including any existing conforming or nonconforming signs, the following regulations shall apply:

- (a) All signs, support structures, braces, guys, anchors, and electrical equipment shall be kept in safe repair and shall be well maintained.
- (b) All signs and support structures shall be maintained in such a manner so as to allow a clear and unobstructed view of traffic when approaching an intersection or exiting or entering private property.
- (c) The area around all signs shall be properly maintained, clear of brush, trees and other obstacles so as to make signs readily visible.
- (d) All burned out bulbs or damaged panels shall be promptly replaced.
- (e) All sign copy shall be maintained securely to the sign face and all missing copy shall be replaced.
- (f) Any sign or similar advertising structure failing to meet the requirements of this Section shall be repaired or removed within thirty (30) days after receipt of notification from the City's Building Inspector.

Removal of Abandoned, Illegal, Nonconforming or Obsolete Signs

The following provisions shall apply for the removal of abandoned, illegal nonconforming, or obsolete signs:

- (a) Abandoned or obsolete signs or sign structures, including any nonconforming on-premise or off-premise sign or sign structure, shall be removed within ninety (90) days of written notification by the City's Building Inspector.
- (b) Any sign that is declared to be an illegal sign, one that is erected or placed in violation of this Municipal Code or other applicable code, shall be removed immediately.
- (c) When fifty (50) percent or more of the sign structure of any nonconforming sign is removed, (including poles, cabinet or support structure), the sign structure shall only be replaced so as to comply with all applicable provisions of this Municipal Code.
- (d) Any sign or sign structure found by the City's Building Inspector to present an immediate danger to the public shall be immediately repaired or removed.
- (e) Any obsolete sign panel or sign copy which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation, or advertises any product no longer being marketed shall be removed within thirty (30) days after becoming obsolete. Covering obsolete sign panels or sign copy with any material is specifically prohibited.
- (f) Freestanding sign structures used in conjunction with a building or portion of a building that is vacant shall be considered as abandoned upon one (1) year of the building or portion of the building becoming vacant and shall be removed.
- (g) The owner or lessee of the property on which the sign is located shall be responsible for its removal and shall be subject to the general penalties clause of this Municipal Code for failure to comply with the provisions stated herein.
- (h) All non-conforming signs which existed lawfully at the time of the enactment of the Official Municipal Code shall be allowed to remain and shall be considered as having non-conforming use status. Mobile or portable signs shall not have non-conforming use status.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION 1 BUILDING INSPECTOR

A. ADMINISTRATIVE OFFICER

The Building Inspector is the official responsible for administering this Ordinance and:

1. Issue all building permits and make and maintain records thereof;
2. Issue all certificates of occupancy and make and maintain records thereof;
3. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof;
4. Maintain and keep current zoning maps, and records of amendments thereto;
5. Conduct inspections as prescribed by this Ordinance, and such other inspections as are necessary to ensure compliance with the various provisions of this Ordinance generally;
6. Receive, file, and forward to the Planning Commission all applications for conditional uses, and for amendments to this Ordinance;
7. Receive, file, and forward to the Board of Zoning Appeals all applications for variances or other matters, on which the Board is required to pass under the provisions of this Ordinance.

B. POWERS OF THE BUILDING INSPECTOR REGARDING THE ISSUANCE OF PERMITS

1. The Building Inspector shall have the power to grant building permits and use and occupancy permits, and make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
2. It shall be unlawful for the Building Inspector to approve and plan or issue any permits as certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance.
3. Under no circumstances is the Building Inspector permitted to make changes in this Ordinance nor to vary its terms or provisions in carrying out his duties.
4. The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite the violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.

C. RIGHT OF ENTRY UPON LAND

The Building Inspector or persons engaged by him to perform tests or any other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Ordinance.

SECTION 2 BUILDING PERMITS AND USE AND OCCUPANCY PERMITS

A. BUILDING PERMITS REQUIRED

1. No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Building Inspector.
2. Failure to obtain a building permit shall be violation of this Ordinance and shall be punishable under Section 8 of this Article.

3. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the City of Algood unless the Building Inspector certifies that the proposed building or structure complies with all the provisions of this Ordinance.
4. Any building permit or use and occupancy permit issued in conflict with the provisions of this Ordinance shall be null and void.

B. SITE PLAN REQUIREMENTS FOR BUILDING PERMITS

The Building Inspector shall require that all applications for building permits be accompanied by site plans and specifications for all new developments or redevelopments of commercial, industrial and multi-family residential uses (R-3). The site plans shall be prepared to scale by an architect, engineer, surveyor or landscape architect and be approved by the City of Algood and Planning Commission prior to the issuance of a building permit. The site plans shall show sufficient detail as stated in B-1 and B-2 (depending on the project) to enable the City of Algood and the Planning Commission to ascertain whether the proposed development is in conformance with the provisions of this Zoning Ordinance.

1. Single-Family Residential Buildings

- a. The actual shape, location, and dimensions of the lot;
- b. The shape, size, floor plan and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structure already on the lot;
- c. The existing and intended use of the lot and of all such buildings or other structures upon it;
- d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- e. For new factory manufactured multi-section (double-wide) or modular housing buildings, submit copy of unit title and detailed construction information of that unit from the dealer and/or manufacturer.

2. Residential, commercial and industrial developments including signs and billboards

Note: The scale of the site plan shall not be less than 1" = 100' (1 inch = 100 feet). A scale of 1" = 50' (1 inch = 50 feet) or greater may be required by the City of Algood and the Planning Commission if all the required information cannot be clearly depicted at the 1" = 100' scale.

- a. Title block
- b. Name of project or development/address and location
- c. Names, addresses and telephone numbers of developer, owner, engineer, architect, surveyor and landscape architect.
- d. Vicinity map.
- e. North arrow and scale.
- f. Date.
- g. Name of all surrounding property owners.
- h. Actual shape, size, location and dimensions of the property or lot to be built upon.
- i. Existing topography.
- j. Existing vegetation, water-ways, flood plains, rock outcrops and other natural features.
- k. All existing utility easements and right-of-ways.

- l. Minimum required front, side and rear setbacks.
- m. Existing structures to be utilized on the site.
- n. Shape, size and location of all proposed building (Proposed ground coverage, floor area and building heights) structures to be constructed or to be added on to.
- o. Names, location, arrangement and dimensions of proposed streets and other public access drives.
- p. Location and design of off-street drives, parking, points of access, off-street loading areas, and pedestrian circulation.
- q. Location and size of all existing utilities i.e. electric, water line, sewer line, gas line, fire hydrants, and any other public utilities.
- r. Plans for the location and size of proposed utilities i.e. electric, water lines, sewer lines, gas lines, fire hydrants and other public utilities.
- s. Location of all proposed easements and right-of-ways as required.
- t. Proposed contours for a grading plan shall be shown at either one (1) or two (2) foot intervals.
- u. Plans for storm water drainage to include identifying low areas or sink-hole for retention - if applicable. (Location of areas subject to flooding)
- v. Location and all proposed signs.
- w. Location of open space areas.
- x. Location of all landscape/buffer areas (Fences, walls, plant material) - if applicable.
- y. Percolation tests where subsoil sewage disposal is anticipated.
- z. Other requirements as required by the Planning Commission.

NOTE: For Signs and Billboards:

- Evidence that a Tennessee Department of Transportation permit has been or is being obtained.
- An engineer's stamped drawing of construction plans for foundation, base and setup showing that construction will conform to wind load requirements for the City of Algood.

REVIEW OF SITE PLAN

Due to the nature and extent of the proposed development, all site plans and specifications shall be reviewed by the City of Algood and the Planning Commission. Three (3) sets of site plans and specifications shall be turned in at least fifteen (15) working days before the next scheduled planning commission meeting to allow for the full review.

DISAPPROVAL OF SITE PLAN

If the proposed development is found not to be in conformity with the provisions of this Zoning Code, a building permit shall not be issued by the Building Inspector.

C. USE AND OCCUPANCY PERMIT REQUIRED

- 1. No building or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land shall be used for any purpose, until a use and occupancy permit has been issued by the Building Inspector.

2. **Application for Use and Occupancy Permit**

- a. Every application for a building permit shall be deemed to be an application for a use and occupancy permit.
- b. Every application for a use and occupancy permit for a new use of land where no building permit is required shall be made directly to the Building Inspector.

3. **Issuance of Use and Occupancy Permit**

a. **Permits not to be Issued**

No use and occupancy permit shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with the provisions of this Ordinance.

b. **Permits for New Use of Land**

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use or activity of a different class or type, unless a use and occupancy permit is first obtained for the new or different use.

4. **Temporary Use and Occupancy Permits**

Nothing in this Ordinance shall prevent the issuance of a temporary use and occupancy permit for a portion of a building or structure in process of erection or alteration, provided that such temporary permit shall not be effective for time period in excess of six (6) months, and provided further that such portion of the building, structure, or premises in conformity with the provisions of this Ordinance.

5. **Temporary Use and Occupancy Permits-Emergency Situations**

A temporary use and occupancy permit may be issued in the event of a genuine emergency created by sudden catastrophe such as fire or flood which renders the operation of a land use impractical or impossible, to allow the land use to temporarily operate as a non-conforming use in another zoning district. The Building Inspector shall, upon application for a temporary permit, first determine whether a genuine emergency exists, and if he so finds shall issue a temporary permit, but shall certify the temporary permit to the Board of Zoning Appeals for a hearing in the nature of an appeal at which the Board of Zoning Appeals shall place a time limitation on such use and impose such other conditions and safeguards as may be reasonably required by the circumstances presented to protect the public interest.

D. PERMITS FOR ACCESSORY BUILDINGS

Buildings accessory to dwellings shall not require separate use and occupancy permits but may be included in the use and occupancy permits for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

E. FINAL INSPECTION

No use and occupancy permit for a building, structure, or an addition thereto constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the building permit was based.

F. EXPIRATION OF BUILDING PERMIT

1. If the work described in any building permit has not begun in 90 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Inspector; and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not been completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

G. DOUBLE-WIDE/ MODULAR BUILDING UNITS AND COMPONENTS

1. All new factory manufactured multi-section (double-wide) or modular housing units shall be installed on permanent perimeter block & brick foundation on concrete footers and have the finished appearance of a site-built home.
2. In applying for a building permit, the applicant shall submit site plan, floor plan, copy of unit title and detailed construction information of that unit from dealer and/or manufacturer.
3. Required inspections are footing inspection, foundation inspection, utility hookup inspection and final inspection.

SECTION 3 BOARD OF ZONING APPEALS: ESTABLISHMENT AND PROCEDURE

A. CREATION AND MEMBERSHIP OF THE BOARD OF ZONING APPEALS [Amended 2/2/2016]

1. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205 of the Tennessee Code Annotated. A quorum of the Algood Board of Zoning Appeals must be present to conduct official Board business.
2. The membership of this Board shall total five (5) members composed of five (5) citizen members as selected and appointed by the legislative body.
3. All citizen members shall be appointed for three (3) year terms with the term(s) of one or two members expiring each year.
4. The City Building Inspector and City Administrator shall serve as an advisory member of the Board with no voting rights.
5. Any vacancy in an appointive membership shall be filled for the unexpired term by the legislative body, who shall also have the authority to remove any citizen member at its' pleasure.

B. CONFLICT OF INTEREST

Any member of the Board who shall have direct or an indirect interest in any property, which is the subject matter of or affected by a decision of the Board, shall be disqualified from participating in the discussion, decision, and proceedings of the Board in connection therewith. The burden for revealing any such conflict rests with individual members of the Board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board for cause.

C. PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call

of the chairman, or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with official records of the Board.

D. HEARINGS AND APPEALS

An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Building Inspector, based in whole or in part upon the provision of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the appeal was taken.

Notice of Board of Zoning Appeals' meetings will be published in a newspaper of general circulation, complying with requirements of Tennessee Code Annotated 13-7-201 through 212 and 13-7-401 through 410. [Amended 2015]

E. STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him; that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Building Inspector from whom the appeal is taken and on due cause shown.

F. LIABILITY OF MEMBERS OF THE BOARD OF ZONING APPEALS AND THE BUILDING INSPECTOR

Any member of the Board of Zoning Appeals, the Building Inspector, or other employee charged with the enforcement of this Ordinance acting for the City of Algood in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the City of Algood of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board member, the Building Inspector, or employees charged with the enforcement of any provision of this Ordinance shall be defended by legal representative furnished by the City of Algood until the final termination of such proceedings.

G. TIME LIMITS FOR VARIANCE AND SPECIAL EXCEPTIONS

Developers, contractors and citizens granted "variance or special exceptions" by the Board of Zoning Appeals regarding the construction of residential or commercial structures, shall have a time period of six (6) months to obtain a building permit. If a building permit is not obtained during that time, the variance or special exception will expire. Once a building permit is obtained, there will be a twelve (12) month time period in which construction must begin. If the construction has not started by the end of the time period, again, the variance or special exception will expire. The variance or special exception request would need to come before the Board of Zoning Appeals for reconsideration.

SECTION 4 BOARD OF ZONING APPEALS: POWERS AND DUTIES

A. ADMINISTRATIVE REVIEW

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provision of this Ordinance, or in his interpretation of the zoning map.

B. VARIANCES

1. The Board of Zoning Appeals has the authority to permit upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.
2. In exercising its powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse, affirm, or modify the order, requirement, decision, or determination as set forth in the regulations of this Ordinance, and to that end shall have the powers of the administrative official from whom the appeal is taken.
3. In considering a variance from the terms of this Ordinance, the Board of Zoning Appeals shall consider all of the following:
 - a. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out;
 - b. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
 - c. The variance will not authorize in a zone district activities other than those permitted by this Ordinance;
 - d. Financial returns only shall not be considered as a basis for granting a variance;
 - e. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;
 - f. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;
 - g. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - h. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and
 - i. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
4. The applicant must submit written application and a site plan showing the size, shape, and topography of lot, locations of existing and proposed structures and landscaping features such as trees, fences, etc. that may affect the request, the reasons for needing the variance, etc.

5. **Non-Conformity does not Constitute Grounds for Granting a Variance**

Grounds for issuance of a variance cannot include a non-conforming use of neighboring lands, structures, or buildings in the same district, nor a permitted or non-conforming use of lands, structures, or buildings in other districts.

6. **Prohibition of Use Variances**

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

7. **Conditions and Restrictions by the Board**

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in this Ordinance to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this Ordinance.

8. **Variance Appeals**

Any person or agency aggrieved by a decision of the Board of Zoning Appeals on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

C. SPECIAL EXCEPTIONS: CONDITIONS GOVERNING USES PERMITTED ON APPEAL

1. The Boards of Zoning Appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "Uses Permitted on Appeals" Sections of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance; or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

2. **General Provisions Governing Uses Permitted on Appeal**

Before any special exception shall issue, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

- a. It is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
- b. It will not adversely affect other property in the area in which it is located;
- c. It is within the provision of "Uses Permitted on Appeal" as set forth in this Ordinance; and
- d. It conforms to all applicable provisions of this Ordinance for the district in which it is to be located.

3. **Specific Rules Governing Individual Uses Permitted on Appeal**
Development standards for many Uses Permitted on Appeal are found in Article VI, Supplementary Regulations. These requirements are set up as conditions which must be considered in addition to the general requirements of the applicable district.

SECTION 5 AMENDMENTS TO THE ZONING ORDINANCE

A. GENERAL

The Board of Mayor and Alderman may, from time to time, amend this Ordinance by changing the boundaries of districts or by changing any other provisions whenever it is alleged that there was an error in the original zoning ordinance or whenever the public necessity, convenience and general welfare require such amendment.

B. INITIATION OF AMENDMENT

Amendments may be initiated by the Board of Mayor and Aldermen, the Algood Regional Planning Commission, or by an application of one or more owners of property affected by the proposed amendments.

C. APPLICATION FOR AMENDMENT FEE

An application by an individual for an amendment shall be accompanied by a fee of fifteen dollars (\$15.00) payable to the City of Algood, and shall be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application.

D. REVIEW AND RECOMMENDATION BY THE PLANNING COMMISSION

The Planning Commission shall review and make recommendation to the Board of Mayor and Aldermen on all proposed amendments to this Ordinance.

E. PUBLIC HEARING AND NOTICE OF HEARING

A Public Hearing shall be held on all proposed amendments to this Ordinance or Zoning Map on second reading by the Board of Mayor and Aldermen. Notice of the public hearing will be published in a newspaper of general circulation, complying with requirements of Tennessee Code Annotated 13-7-201 through 212 and 13-7-401 through 410. This notice shall specify the location, current and proposed zoning classification and it may contain a graphic illustration of the area. [Amended 2015]

F. AMENDMENTS AFFECTING ZONING MAP

Upon enactment of an amendment to the zoning map which is part of this Ordinance, the Building Inspector shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

SECTION 6 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

The provisions of this Zoning Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare, both in interpretation and application. Whenever the requirements of this Ordinance are at variance with the requirements

of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

SECTION 7 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

SECTION 8 PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$50.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 9 REPEAL OF CONFLICTING ORDINANCES

Chapter 2 of Title 11 of the Algood Municipal Code and subsequent amendments thereto are hereby repealed and superseded by this Zoning Ordinance.

SECTION 10 SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**APPLICATION FOR ZONING REQUEST
ALGOOD, TENNESSEE**

- Regular Meetings of Algood Planning Commission and Board of Zoning Appeals are the 2nd Tuesday of each month at 5:30 PM at Algood City Hall.
- Deadline for submitting Application is 1st Tuesday of each month. **\$15 Fee--Pay City Hall.**
____ **Site plan Required/Submitted** ____ **Tax Map Submitted** _____ **Date**

OWNER'S NAME/ADDRESS _____
PHONE NUMBER _____ FAX NUMBER _____

REPRESENTATIVE/DEVELOPER _____
PHONE NUMBER _____ FAX NUMBER _____

LOCATION OF PROPERTY _____ (Tax Map ID _____)
Size of Property _____ Current Zoning _____ Current Use _____

TYPE(S) OF ZONING REQUEST(S): _____ **PROPERTY WILL BE POSTED WITH A SIGN.**

____ **REZONING** NEW ZONE _____ PROPOSED USE _____

Applicant should provide written statement explaining reasons and submit any information to show why change is needed, and that change will benefit the general welfare of Algood.

PROCESS: Algood Planning Commission will review and make a recommendation on request. If approved by P.C., the Algood City Council will consider Rezoning Ordinance on 2 readings at 2 meetings and hold a Public Hearing.

____ **USE UPON APPEAL** WHAT? _____

In the Zoning Code in each Zoning District are a list of Uses Permitted On Appeal which are considered by the Board of Zoning Appeals. The most common requests are Home Occupations and Duplexes. Generally specific criteria (requirements) have to be met.

PROCESS: Only the Algood Board of Zoning Appeals will review this request.

____ **VARIANCE** REQUIRED: _____ PROPOSED: _____

A Variance is requested when an applicant cannot meet setbacks, off-street parking, lot size, etc. For a variance to be approved, applicant has to show how there are special or unusual conditions of the property, and that having to meet the regular regulations would cause undue hardship. PROCESS: Only the Algood Board of Zoning Appeals will review this request.

____ **ADMINISTRATIVE REVIEW/INTERPRETATION** _____

PROBLEM: _____

Used when the zoning map may be unclear or ordinance description is confusing, or when a proposed new use is not specifically listed in the Zoning Code.

PROCESS: Only the Algood Board of Zoning Appeals will review this request.

NAMES OF ADJOINING PROPERTY OWNERS

North _____ **East** _____
South _____ **West** _____

SPECIFIC INFORMATION OR REASON(S) FOR REQUEST: _____

[USE OTHER SIDE OF APPLICATION IF NEEDED.]

ZONING ORDINANCE

OF

ALGOOD, TENNESSEE

ALGOOD REGIONAL PLANNING COMMISSION

**TERRY FOUTCH, MAYOR
KIRK DYER, CHAIRMAN
BRENT HERRON, V. CHAIRMAN
MELAHN FINLEY
BECKY RAINES
TRACEY DUNCAN
BEVERLY CARLILE**

Compiled by:

**Kevin Rush, Planning Director
Highlands Planning Department**

(Including 2016 amendments)

TABLE OF CONTENTS

	PAGE
ARTICLE I	TITLE, PURPOSE AND ENACTMENT..... 1
ARTICLE II	DEFINITIONS2
ARTICLE III	NON-CONFORMING LOTS AND NON-CONFORMING USES OF LAND 7
Section 1	Non-Conforming Lots of Record.....7
Section 2	Non-Conforming Structures.....7
ARTICLE IV	ZONING DISTRICTS AND MAP9
Section 1	Establishment of Zoning Districts9
Section 2	Provision for Official Zoning Map.....9
Section 3	Replacement of Official Zoning Map.....9
Section 4	Rules for Interpretation of District Boundaries10
Section 5	Application of District Regulations10
ARTICLE V	SPECIFIC DISTRICT REGULATIONS12
Section 1	R-1, Low Density Residential District.....12
Section 2	R-2, Medium Density Residential District.....14
Section 2A	R-3, High Density Residential District.....18
Section 2B	RD, Single-Family and Duplex Residential District21
Section 3	C-A, General Commercial District.....24
Section 4	C-B, Central Business District27
Section 5	C-C, Planned Commercial District30
Section 6	I-1, Light Manufacturing District.....33
Section 7	I-2, Heavy Industrial District.....36
ARTICLE VI	SUPPLEMENTARY REGULATIONS39
Section 1	Visibility at Intersections in Residential Districts39
Section 2	Fences, Walls and Hedges.....39
Section 3	Erection of More than One Principal Structure on a Lot39
Section 4	Structures to have Access39
Section 5	Off-Street Parking Requirements.....39
	A. General Provisions39
	B. Table of Required Parking Spaces41
Section 6	Exceptions to Height Regulations44
Section 7	Parking, Storage, or Use of Major Recreational Equipment.....44
Section 8	Parking and Storage of Certain Vehicles44
Section 9	Lighting.....44
Section 10	Standards for Home Occupations.....44
Section 11	Standards for Day Care Centers.....44
	A. Home Occupation Accessory Use45
	B. Accessory Use at Church, School or Community Center.....45
	C. Principal Use45
Section 12	Standards for Individual Multi-Family Structures46
Section 13	Development Standards for Planned Residential Development.....47
Section 14	Standards for Cemeteries.....49

Section 15	Standards for Gasoline Stations	49
Section 16	Standards for Residential Homes for Aged	49
Section 17	Standards for Nursing Homes, Health Clinics and Hospitals.....	50
Section 18A	Standards for Mobile Homes	50
Section 18B	Standards for Mobile Home Parks	51
Section 19	Standards for Telecommunication Towers and Stations	59
Section 20	Bed & Breakfast Requirements.....	62
Section 21	Self-Service Storage Facilities	63
Section 22	Drainage and Stormwater Management	64
Section 23	Landscape and Screening Requirements	65
Section 24	Methadone or Similar Treatment Facility.....	71
Section 25	Installation, Compaction and Drainage of Fill Material	71
Section 26	Floodplain Ordinance.....	72
Section 27	General Sign Regulations	91
ARTICLE VII	ADMINISTRATION AND ENFORCEMENT	99
Section 1	Building Inspector.....	99
Section 2	Building Permits and Use and Occupancy Permits.....	99
	A. Building Permits Required.....	99
	B. Plot Plan Required for Building Permits	100
	C. Use and Occupancy Permit Required	101
	D. Permits for Accessory Buildings.....	102
	E. Final Inspection.....	102
	F. Expiration of Building Permit	103
	G. Double-wide Modular Building Units and Components	103
Section 3	Board of Zoning Appeals: Establishment and Procedure	103
Section 4	Board of Zoning Appeals: Powers and Duties	105
	A. Administrative Review	105
	B. Variances.....	105
	C. Special Exceptions/Uses Permitted on Appeal	106
Section 5	Amendments	107
Section 6	Provisions of Ordinance Declared to be Minimum Requirements	107
Section 7	Complaints Regarding Violation	108
Section 8	Penalties for Violation.....	108
Section 9	Repeal of Conflicting Ordinances	108
Section 10	Separability Clause	108