



# MUNICIPAL ZONING ORDINANCES

**PREPARED**

**BY THE**

**STANTON MUNICIPAL PLANNING COMMISSION**

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## CHAPTER 1

### STANTON MUNICIPAL PLANNING COMMISSION

#### **SECTIONS**

- 1-01. Creation and membership
- 1-02. Organization, rules, staff, and finances
- 1-03. Powers and duties

#### **1-01. Creation and Membership.**

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

#### **1-02. Organization, Rules, Staff and Finance.**

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

#### **1-03. Powers and Duties.**

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



## CHAPTER 2

### GENERAL ZONING PROVISIONS

#### **SECTIONS**

- 2-01. Title
- 2-02. Repeal
- 2-03. Legislative enactment
- 2-04. Intent and purpose
- 2-05. Definitions
- 2-06. Legal status provisions
- 2-07. Exceptions and modifications
- 2-08. General provisions for all districts

#### **2-01. Title.**

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

#### **2-02. Repeal.**

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

#### **2-03. Legislative Enactment**

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

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

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

**WHEREAS**, the Planning Commission has divided the Town into districts and has prepared regulations pertaining to such districts in accordance with a

comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote the health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

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

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

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

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Stanton, Tennessee, as follows:

**2-04. Intent and Purpose.**

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

- A. To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
- B. To divide the Town into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures and land for residence, business, commercial, manufacturing and other specified uses;
- C. To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the Town, and to promote the orderly and beneficial development of such areas;
- D. To provide adequate light air, privacy, and convenience of access to property;
- E. To regulate the intensity of open spaces surrounding buildings that is necessary to provide adequate light and air and protect the public health;

- F. To establish building lines and location of buildings designed for residential, business, commercial, manufacturing or other uses within such lines;
- G. To fix reasonable standards to which buildings or structures shall conform;
- H. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- I. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- J. To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking and motor vehicles and for the loading and unloading of commercial vehicles;
- K. To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- L. To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to land surrounding them;
- M. To conserve the taxable value of land and buildings throughout the Town;
- N. To provide for the gradual elimination of those uses of land, buildings and structures, and of those buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- O. To provide for the condemnation of such nonconforming buildings and structures and of land as the Board of Mayor and Aldermen shall determine is necessary or appropriate for the rehabilitation of the area blighted by such buildings or structures;
- P. To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- Q. To prevent construction in areas designated as flood hazard areas unless suitably protected.

**2-05. Construction of Language and Definitions**

**A. Rules for Construction of Language**

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

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

**B. Definitions**

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

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

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

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

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

1. Adult Entertainment Establishments

- a. Adult Arcade - means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- b. Adult Bookstore - means an establishment which has as any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
  - i. books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the depiction or description of "specified sexual activities" or "specified anatomical areas; or
  - ii. instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- c. Adult Cabaret - means a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- d. Adult Motel - means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions

which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

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

2. Specified Anatomical Areas means any of the following:

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

3. Specified Sexual Activities means any of the following:
- a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse or sodomy;
  - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
  - d. Flagellation or torture in the context of a sexual relationship;
  - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
  - f. Erotic touching, fondling or other such contact with an animal by a human being; or
  - g. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "1" through "6" above.

Artisan's Workshop - An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted artwork with no outside storage of materials. For the purposes of this Ordinance artisan's workshops are furtherly described as and are limited to: furniture, woodworking, sewing, embroidery, weaving, metal working, candle making, glassblowing, jewelry, leather craft, pottery making, sculpting and painting.

Base Flood - See One-Hundred Year Flood.

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

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

Building - A structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, lunch wagons, dining cars, trailers, mobile homes, billboards, signs and similar awnings, or vehicles situated on private property and used for purposes of a building. Where roofed structures are separated

from each other by party wall having no unprotected openings, each portion so separated shall be considered a separate building.

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

Building Height - The vertical distance measured from the elevation of the finished grade of the front yard at the front line of the building to the highest point of the roof surface for flat roofs, or to the height of the highest eaves on the front wall. Where a building is located on sloping terrain the height shall be measured from the average ground level of the grade at the building wall. Average ground level shall be determined by locating the mean between the extreme upper and lower finished grades per building elevation.

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

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

Cellar - (See Basement)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood Fringe - See Floodway Fringe Area.

Flood Hazard Boundary MAP (FHBM) - means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e.,

mudflow), and flood-related erosion areas having special hazards have been designated as zone A, M, and/or E.

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

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

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

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

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

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

Flood, Regulatory - The computed 100-year flood.

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

Floor Area - The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of the building or portions thereof without walls, but excluding in the case of non-residential facilities; arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

Home Occupation - A gainful occupation or profession conducted by persons residing on the premises and conducted entirely within the dwelling or its accessory buildings. In connection with a home occupation, no stock in trade shall be displayed outside, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including the utilization of a permitted accessory building.

Incidental Alterations

1. Changes or replacements in the nonstructural parts of a building or other structure, without being limited to the following examples:
  - a. Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
  - b. A minor addition to the exterior of a residential building, such as an open porch;
  - c. Alterations of interior non-load-bearing partitions in all other types of building or other structures;
  - d. Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits; or
  
2. Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
  - a. Making windows or doors in exterior walls;
  - b. Replacement of building facades having non-load-bearing capacity;
  - c. Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

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

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

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

1. A single lot of record;
2. A portion of a lot of record;

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

Lot Area - The entire area of a lot.

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

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

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

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

1. Joins points specified in these regulations, or
2. Is an extension of a street line or lot line.

#### Lot Measurements

1. Depth: The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.
2. Width: The width of a lot at the building setback line measured at right angles to its depth.

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

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

1. Corner Lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines to the foremost points of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. Interior Lot - defined as a lot other than a corner lot with only one (1) frontage on a street.
3. Through Lot - defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
4. Reversed Frontage Lot - defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reverse frontage lot may also be a corner lot, an interior lot or a through lot.

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

Manufactured Home (for flood plain management proposes) - Means a structure, transportable in one or more sections, which is built on a permanent foundation when connected to the required utilities. The term manufactured home as referenced also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

Mixed-Use Occupancy The presence of residential and nonresidential uses within the same building.

Mobile Homes - See Dwelling, Mobile Homes.

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

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

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

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

Non-complying -

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

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

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

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

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

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

of the household. A license is not required for a house providing care for fewer than 5 children.

2. Group Day Care Home: Any place operated by a person, social agency, corporation, institution, or other group which receives 8 to 12 children under 17 years of age, for less than 24 hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than 12 children.
3. Day Care Center: A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than 12 children.

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

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

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

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

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

1. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
2. Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or

3. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest-homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
4. In a mixed building, that part of the building used for any non-residential uses, except uses accessory to residential uses.

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

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

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

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

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

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

1. A basement or cellar if the finished floor level directly above is not more than six (6) feet above the average adjoining elevation of finished grade.

2. An attic or similar space under a gable, hip or gambrel roof, the wall plates or any exterior walls are not more than two (2) feet above the floor or such space.

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

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

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

Substantial Improvement - Any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the initial improvement. Includes structures which have incurred "substantial damage." regardless of the actual repair work performed. The market value of the structure should be:

1. the appraised value of the structure prior to the start of the initial repair or improvement, or
2. in the case of damage, the value of the structure prior to the damage occurring.

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

Temporary Family Healthcare Structure - A transportable healthcare environment that is specifically designed with environmental controls, biometric and other remote monitoring technology, sensors, and communication systems to support extended home-based medical care, rehabilitation, and the provision of home and community-based support and assistance for an older adult or person with a disability on the property where family members or unpaid caregivers who participate in the person's care reside. A temporary family healthcare structure:

1. Is primarily assembled at a location other than its site of installation;
2. Is limited to one occupant who shall be the older adult or person with a disability who requires extended home-based medical care, rehabilitation, or the provision of home and community-based support and assistance;
3. Meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act;
4. Has no more than 500 gross square feet; and
5. Complies with applicable provisions present law governing healthcare facilities and codes adopted by a municipality. Placing the temporary family healthcare structure on a permanent foundation shall not be required or permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2-06. Legal Status Provisions**

### **A. Interpretation**

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

### **B. Relationship to Other Laws and Private Restrictions**

1. Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other law, ordinance, rule or regulation of any kind, the regulations which are more restrictive shall apply.
2. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this

ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

C. Ordinance Provisions Do Not Constitute Permit

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

D. Provisions are Cumulative

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

E. Application of Regulation

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

F. Scope of Regulations

1. New Uses, Lots, Buildings or Other Structures

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

2. Existing Uses, Lots, Buildings, or Other Structures

- a. Any existing use legally established prior to the effective date of this Ordinance which does not comply with its provisions shall be subject to nonconforming use provisions in Chapter 2, Section 11-209 of this Ordinance.
- b. Any existing lot, parcel, building, or other structure legally established prior to the effective date of this Ordinance which does not comply with its provisions, other than use provisions, shall be subject to the nonconforming use regulations in Chapter 2, Section 11-209 of this Ordinance.

**2-07. Exceptions and Modifications**

A. Front Yards

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within three hundred (300) feet on each side of such lot, is less than the minimum required front yard depth. In such cases, the depth of the front yard on such lot may be less than required front yard, but not less than the average of the existing front yard depth on the developed lots. In residential districts, however, the front yard shall in no case be less than fifteen (15) feet in depth.

B. Lot of Record

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

C. Adjoining Substandard Lots of Records

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

D. Exception on Height Limits

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

**2-08. General Provisions for All Districts**

A. General District Regulations

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

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

B. Zoning Affects Every Building and Use

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

C. Obstruction to Vision at Street Intersection Prohibited

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

D. Fences, Walls, and Hedges

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

E. Accessory Buildings

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

F. Minimum Required Yard Area

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

G. Structures to Have Access

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

H. Access Control

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

1. A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.
2. There shall be not more than two (2) points of access to any one (1) public street on a lot less than 400 feet but more than one hundred (100) feet in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
3. Point of access to any one (1) public street for lots of more than four hundred (400) feet in width shall be no closer than one hundred (100) feet apart.
4. No point of access shall be allowed within twenty-five (25) feet of the right-of-way of any public street intersection, nor within ten (10) feet from the adjoining property.
5. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

6. No curbs on Town streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.
7. Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals, provided, further that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street (this is no to include private parking for residential property).
8. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Ordinance which ever is higher.

I. Off-Street Loading and Unloading Space

In all business and industrial districts, except a B-1 (Central Business District) every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street. Loading space maintained in connection with an existing and continuing main building or structure on the effective date of this ordinance up to the number required by this ordinance shall be continued and not be counted as serving a new structure or addition.

J. Parking, Storage on Use of Major Recreation Equipment

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

K. Only One Principal Building On Any Lot

Only one principal building and its customary accessory buildings may hereafter be erected on any lot except for multiple family dwellings or mobile home parks in compliance with bulk, area, yard setback, and other requirements as specified in the particular district provisions.

L. Street Frontage Required

No building shall be erected in any district except the B-1 (Central Business District) on a lot which does not abut at least one public street for at least fifty (50) feet. This shall not be constructed to apply to properties abutting a cul-de-sac type turn-around: a minimum street abutment of twenty-five (25) feet shall apply to cul-de-sac turnarounds provided, that the minimum lot width requirements if provided at the front yard setback (building) line.

M. Required Yard Cannot Be Used by Another Building

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

N. Rear Yard Abutting a Public Street

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

O. Off-street Automobile Storage

1. There shall be provided, at the time of the erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from one zoning use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such space shall be provided with vehicular access to a street or alley. The provisions of this article shall not apply to the B-1 (Central Business District).

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

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

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

- iii. No required parking space may be substituted for a loading space, nor may any required loading space be substituted for a parking space.
  
- b. If automobile storage space or standing space required above cannot reasonably be provided on the same lot on which the principal use is conducted, the building inspector may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall not thereafter be reduced or encroached upon in any manner. If property is to be leased, then a 10 year minimum lease will be required.
  
- c. The number of off-street parking spaces required by this ordinance shall be considered as the absolute minimum and the property owner shall evaluate his own needs to determine if his needs will require more than the specified minimum; such space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth below:
  - i. One parking space shall be equal to an area of two hundred (200) square feet, with a minimum dimension of ten (10) feet by twenty (20) feet. A minimum of four hundred (400) square feet per parking space shall be used when computing parking area to include maneuvering space.
  
  - ii. Residential and Related Uses:
 

Single-family and Multi-family residences	Two (2) per dwelling unit
Rooming or Boarding house	One (1) per two (2) rentable rooms
Hotels	One (1) space per dwelling unit
Motels unit	One (1) space per dwelling unit
  
  - iii. Public and Semi-public Uses:
 

Hospital	One (1) space per three (3) patient beds
Clinic	Ten (10) spaces per doctor

Elementary school and junior high school	plus one (1) per employee One (1) per classroom and office, plus one (1) per twenty (20) students capacity
High School	One (1) per classroom and office, plus one (1) per five (5) students capacity
Stadium	One (1) per five (5) spectator seats.

Any theater, auditorium, place of worship, or other place of public assembly; at least one space for each five (5) seats provided in such places of assemble. In places where seating is not a measure of capacity, such as funeral parlors, clubhouses, etc., at least one space for each one - hundred (100) square feet of floor space devoted to the particular use.

Public or private clubs	One (1) per one hundred-fifty (150)-sf of total floor area
Public utility building	One (1) per employee

iv. Offices and Retail Uses:

Banks and office building	One (1) per one hundred-fifty (150)-sf of total floor area
Bus terminals	One (1) employee, plus one (1) per two hundred (200)-sf waiting room floor area.
Filling Stations	One (1) per one-hundred (100)-sf of sales floor area.
Retail business uses listed	One (1) per two-hundred not (200)-sf of sales floor area

v. Wholesale Uses and Warehouses:

Wholesale Uses and Warehouses	One (1) per two-hundred (200)-sf of sales floor area or four-hundred (400)-sf of warehouse area.
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vi. Industrial Uses

One (1) per four-hundred (400)-sf of floor area.

2. Handicapped Parking

Parking facilities accessible for persons with disabilities must be compliant with or better than the standards detailed in Tennessee Code Annotated (T.C.A.) §55-21-105, including quantity, size, location, and accessibility, based on the ADA Accessibility Guidelines (ADAAG).

P. Future Street Lines

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

Q. Manufactured Homes

1. The unit must be installed on a permanent brick, block or stone perimeter and interior foundation system. Manufactured Homes in Flood Hazard areas must comply with the requirements in Chapter 8 of this Ordinance.
2. The home must be covered with an exterior material customarily used on conventional dwellings. Suitable exterior materials include but shall not be limited to clapboard, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
3. The hitches or towing apparatus, axles and wheels must be removed.
4. The roof must be pitched so there is at least a 3.57-inch vertical rise for each 12 inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
5. The Unit must be oriented on the lot so that its long axis is parallel with the street.

R. Telecommunication Structure Requirements

1. Purpose. The purpose of this section is to protect the following health and enhance the safety of the residents of the Town of Stanton by providing

provisions relative to controlling the height, number and light emission of telecommunication structures in the Town.

2. Applicability. All new telecommunication structures which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.
3. Plan Requirement. Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance to with the provisions of the Site Plan Review Requirements in the Stanton Zoning Ordinance and the following provisions;
  - a. All new telecommunications structures not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antennae arrays and accessory structures.
  - b. A letter of intent from the owner allowing for the shared use of the tower.
  - c. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
  - d. A letter indicating why all existing towers within one (1) mile radius of the proposed tower cannot be utilized.
4. Uses Permitted on Appeal. All telecommunication structures are only allowed in commercial and industrial districts as uses permitted on appeal.
5. Prohibited Uses. Any tower that is not specifically permitted as a use permitted on appeal.
6. Type. Lattice or monopole type telecommunications towers are allowed.
7. Accessory Uses and Structures
  - a. A telecommunications structure, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any zoning district in the Town of Stanton. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall

be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

- b. A utility structure shall be limited to no more than two (2) accessory buildings or structures at the base of the power line structure or water tower.

8. Structural Requirements

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

9. Setback

- a. All telecommunications structures and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 70 percent of the height of the structure. The setback shall be measured from the security fence to all of the surrounding property lines.
- b. In instances when telecommunications structures and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be 100 percent of the tower height plus (10) feet.
- c. Co-Use of Utility Structures. The co-use of existing utility structures in the Town of Stanton shall be encouraged on existing power line structures exceeding 30 feet in height and water towers.
- d. Height . No tower shall exceed 150 feet. In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds 30 feet or an existing water tower, the maximum height shall not exceed the height of the structure plus 15 feet.

- e. Shared Use. The shared use of existing towers within the Town of Stanton shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications structure shall demonstrate, through documentation, that no existing towers within a one (1) mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons:
  - i. The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.
  - ii. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
  - iii. The planned equipment would not function effectively and reasonably on an existing tower or utility structure.
  - iv. Geographic service requirements would prevent the co-use of an existing tower or utility structure.
- f. Security. All telecommunications structures, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater.
- g. Landscaping. All freestanding towers and utility structures shall have a four (4) foot wide landscaping strip around the perimeter of the security fence. The landscaping strips shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of eight (8) feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.
- h. Vehicle Access/ Parking
  - i. The location and design of driveways and/ or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission.

- ii. No parking spaces shall be required for the site since the site shall not have workers that remain at the sited on a full or part-time basis.

- i. Lighting

- i. Towers: No artificially lighted tower shall be permitted in the Town of Stanton. If the Federal Aviation Administration (FAA) requires the proposed tower to be lighted, then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

- ii. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.

- j. Removal of Obsolete Towers. Any telecommunications structure that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the Town with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

## **2-09. Non-Conforming Uses**

- A. Within the districts established by this ordinance or amendments that may latter be adopted there exist uses and/or structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment of the following shall apply.
  - 1. Any non-conforming structure except as provide in Chapter 279.1 of the 1973 Tennessee Acts may not be:
    - a. Extended except in conformity with this ordinance.
    - b. Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement value except in conformity with the provisions of this ordinance.
  - 2. Any non-conforming commercial, business, or industrial uses created after the passage of Tennessee Acts of 1973, Chapter 279.1 shall be:

- a. Allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such business and that any construction, improvements or reconstruction shall be in conformance with the district requirements in which it is located.
3. Any non-conforming use of land may not be:
  - a. Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
  - b. Extended, except in conformity with this ordinance.
4. Any non-conforming use of structure may not be:
  - a. Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
  - b. Reestablished after discontinuance of six months.
5. When a nonconforming use of any building has ceased for a period of six (6) months, it shall not be reestablished or changed to any other nonconforming use.
6. All non-conforming signs and billboards shall be considered a structure and shall conform to #5 above.

## CHAPTER 3

### ESTABLISHMENT OF DISTRICTS

#### SECTIONS

- 3-01. Establishment of Districts
- 3-02. Provisions for Official Zoning Map

#### **3-01. Establishment of Districts**

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

- 1. R-1 Low Density Residential
- 2. R-2 Medium Density Residential
- 3. R-3 Medium Density/Mobile Home
- 4. B-1 Central Business
- 5. B-2 Highway Business
- 6. B-3 Impact Business-Industrial
- 7. CCC (Central Corridor Commercial) District
- 8. P-H Preservation District Overlay District
- 9. F-H (Flood Hazard Overlay District)

B. Boundaries of Districts

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

#### **3-02. Provisions for Official Zoning Map**

A. Incorporation of Map

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

B. Identification and Alteration of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in 11-301 (B) of Ordinance Number \_\_\_\_\_ of the Town of Stanton, Tennessee". Together with the date of the adopting of this ordinance.

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

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

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

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

C. Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map

shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. \_\_\_\_\_ of the Town of Stanton, Tennessee".

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



## CHAPTER 4

### PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

#### SECTIONS

- 4-01. R-1 (Low Density Residential) Districts
- 4-02. R-2 (Medium Density Residential) Districts
- 4-03. R-3 (Medium Density / Mobile Home) Districts

#### **4-01. R-1 (Low Density Residential) Districts**

##### A. Uses Permitted

1. Single-family homes, excluding mobile homes on individual lots.
2. Accessory buildings or uses customarily incidental to any aforementioned permitted use.
3. Real estate signs advertising the sale, rental or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and the street rights-of-way.
4. Public utilities, essential services, rights-of-way to all mode of transportation.
5. Temporary Family Healthcare Structures as accessory uses provided the following conditions are met:
  - a. Is primarily assembled at a location other than its site of installation;
  - b. Is limited to one occupant who shall be the older adult or person with a disability who requires extended home-based medical care, rehabilitation, or the provision of home and community-based support and assistance;
  - c. Meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act;
  - d. Has no more than 500 gross square feet; and
  - e. Complies with applicable provisions applicable provisions present law governing healthcare facilities and codes adopted by a

municipality. Placing the temporary family healthcare structure on a permanent foundation shall not be required or permitted;

- f. A special use permit is obtained;
- g. The temporary structure is to be removed within 30 days after the resident to whom the permit was issued has vacated the unit. A fine of \$50 per day shall be levied upon property owners who fail to remove a temporary healthcare structure within said 30 days after it is no longer needed.

B. Uses Permissible on Appeal

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

neighborhood in which the proposed use is located; and then provided further that:

- i. The proposed use shall be located and conducted in the principal building only;
  - ii. The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - iii. Not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to proposed use;
  - iv. Proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - v. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  - vi. The proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
  - vii. The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
  - viii. The proposed use shall provide adequate off-street parking facilities;
  - ix. Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupations, and those existing home occupations allowed to lapse for one (1) year or more shall be governed by the foregoing provisions relative to home occupations.
- b. Bed and Breakfast Homestay, provided that no such use shall be established without the review and written approval of the Board of Zoning appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the use is located. The Board of Zoning Appeals shall find the following before any approval, and any approved bed and breakfast operation shall conform to the following:

- i. the use shall be located and conducted in the principal building only;
  - ii. the principals and employees engaged in the bed and breakfast operation shall be owners and residents of the dwelling unit in which the operation is located, provided that non-resident temporary cleaning services may be engaged for the operation;
  - iii. no more than three sleeping rooms shall be used for occupancy by paying guests
  - iv. the bed and breakfast operation shall not rent rooms for more than ten days out of each month per guest;
  - v. a minimum of one one-site parking space per guest room shall be provided in addition to any parking required for the principal residents, such parking to be prepared to regular residential parking standards of the Town;
  - vi. one sign of no more than three square feet, placed no higher than six feet above ground level, and with no direct lighting, shall be permitted to identify the bed and breakfast operation; and
  - vii. any conditions set by the Board of Zoning Appeals to protect the surrounding neighborhood shall be the responsibility of the proprietors of the bed and breakfast operation.
- c. Family Care Centers and Group Day Care Homes as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the following criteria. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require these operations approved shall meet the following requirements:
- i. Minimum required lot area;
    - (a) Family Day Care Home - 7,500 sq. ft.
  - ii. Minimum required fenced play area.
    - (a) Family Day Care Home - 1,400 sq. ft.

- iii. The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
- iv. The family day care home be conducted in single family residences only. Accessory structures may not be used for day care facilities.
- v. If a Family Care Home is proposed to be expanded to a Group Day Care operation, the new day care operation shall need a new approval of use and site plan by the Board of Zoning Appeals, and shall be subject to appropriate regulations.
- vi. All outdoor play activities shall be conducted within the fenced play area.
- vii. The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
- viii. There shall be no signs advertising the property as a daycare facility.

C. Uses Prohibited

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

D. Location of Accessory Buildings

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

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

1. Minimum required lot area:
  - a. Single Family 15,000 sf
  - b. Places of worship The greater of one (1) acre, or 200 sf of lot area per auditorium seat.
  - c. Schools Four (4) acres plus one (1) acre per One-hundred (100) students.
  - d. Other Uses As required by the Board of Zoning Appeals.
  
2. Minimum required lot width at the building line:
  - a. Dwellings One-hundred (100) feet
  - b. Places of worship Two-hundred (200) feet
  - c. Other Uses As required by the Board of Zoning Appeals.
  
3. Minimum required front yard:
  - a. Dwellings Thirty (30) feet
  - b. Places of worship Forty (40) feet
  - c. Other Uses Forty (40) feet or more as required by the Board of Zoning Appeals.
  
4. Minimum required rear yard:
  - a. Dwellings Thirty (30) feet
  - b. Places of worship Thirty (30) feet
  - c. Other Uses Thirty (30) feet or more as required by the Board of Zoning Appeals.
  - d. On Corner Lot Twenty-five (25) feet
  
5. Minimum required side yard on each side of lot:
  - a. Dwellings

- |    |                   |   |
|----|-------------------|---|
|    | One & Two Story   | Fifteen (15) feet   |
|    | Three Story       | Twenty (20) feet  |
| b. | Places of worship | Thirty (30) feet  |
| c. | Other Uses        | Fifteen (15) feet or more as required by the Board of Zoning Appeals. |
6. Minimum required side yard for side facing street on corner lots      Thirty (30) feet.
7. Maximum lot coverage by all buildings:
- |    |                         |   |
|----|-------------------------|---|
| a. | Dwellings and accessory | 30%   |
| b. | Places of worship       | 25%   |
| c. | Other Uses              | 50% or less as required by the Board of Zoning Appeals. |
8. Maximum Height
- a. No building or structure shall exceed three (3) stories or thirty-five (35) feet.
  - b. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
  - c. No accessory building shall exceed two (2) stories in height.
  - d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

**4-02. R-2 (Medium Density Residential) Districts**

A. Uses Permitted

1. Single-family and two-family dwellings.
2. Townhouses and multiple family dwellings or apartments, provided however, that the building inspector shall not issue a permit for any dwelling containing three (3) or more units until a site plan has been submitted to and

approved by the Stanton Planning Commission. The site plan shall show the location, height, and bulk of all proposed buildings, pedestrian and vehicular circulation, off-street parking, walls, hedges, fences and proposed system for storm drainage. The proposed building shall meet all minimum lot and yard requirements of this section. In addition, the planning commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood from traffic congestion or other similar features not directly related to the public health, safety and welfare. The planning commission shall state in writing the reasons for denial of any properly submitted site plan. Any site plan not acted upon within sixty (60) days from submittal shall be deemed approved.

3. Accessory buildings customarily incidental to any aforementioned permitted use.
4. Rights-of-way to modes of transportation, essential services, public utilities.
5. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area.

B. Uses Permissible on Appeal

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

written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

- a. Customary incidental home occupations provided that no buildings permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:
  - i. the proposed use shall be located and conducted in the principal building only;
  - ii. not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
  - iii. the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - iv. the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - v. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  - vi. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
  - vii. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located; and
  - viii. the proposed use shall provide adequate off-street parking facilities;
  - ix. Nothing in this section shall be interpreted to mean the discontinuance of an existing lawful home occupations, and those existing home occupations allowed to lapse for one (1)

year or more shall be governed by the foregoing provisions relative to home occupations.

3. Bed and Breakfast Homestay, provided that no such use shall be established without the review and written approval of the Board of Zoning appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect and preserve the character of the neighborhood in which the use is located. The Board of Zoning Appeals shall find the following before any approval, and any approved bed and breakfast operation shall conform to the following:
  - a. the use shall be located and conducted in the principal building only, except that an accessory building which has historically been used as a residential structure for at least six months in the three years prior to January 1, 1992 may be considered as part of the principal building of the purposes of establishing a bed and breakfast homestay operation;
  - b. the principals and employees engaged in the bed and breakfast operation shall be owners and residents of the dwelling unit in which the operation is located, provided that non-resident temporary cleaning services may be engaged for the operation;
  - c. no more than three (3) sleeping rooms shall be used for occupancy by paying guests;
  - d. the bed and breakfast operation shall not rent rooms for more than ten days out of each month per guest;
  - e. a minimum of one one-site parking space per guest room shall be provided in addition to any parking required for the principal residents, such parking to be prepared to regular residential parking standards of the Town;
  - f. one sign of no more than three square feet, placed no higher than six feet above ground level, and with no direct lighting, shall be permitted to identify the bed and breakfast operation; and
  - g. any conditions set by the Board of Zoning Appeals to protect the surrounding neighborhood shall be the responsibility of the proprietors of the bed and breakfast operation.
4. Family Care Centers and Group Day Care Homes as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the following criteria. The approval and the site plan may be subject to such conditions as the Board of Zoning appeals may require in order to preserve

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

- a. Minimum required lot area;
    - i. Family Day Care Home - 8,000 sq. Ft.
  - b. Minimum required fenced play area.
    - i. Family Day Care Home - 1,400 sq. Ft.
  - c. The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
  - d. The family day care home be conducted in single family residences only. Accessory structures may not be used for day care facilities.
  - e. If a Family Care Home is proposed to be expanded to a Group Day Care operation, the new day care operation shall need a new approval of use and site plan by the Board of Zoning Appeals, and shall be subject to appropriate regulations.
  - f. All outdoor play activities shall be conducted within the fenced play area.
  - g. The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.
  - h. There shall be no signs advertising the property as a day care facility.
5. Temporary Family Healthcare Structures as accessory uses provided the following conditions are met:
- a. Is primarily assembled at a location other than its site of installation;
  - b. Is limited to one occupant who shall be the older adult or person with a disability who requires extended home-based medical care, rehabilitation, or the provision of home and community-based support and assistance;
  - c. Meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act;



- e. Places of worship                      The greater of one (1) acre, or 200 sf of lot area per auditorium seat.
  - f. Schools                                      Four (4) acres plus one (1) acre for each 100 students.
  - g. Other Uses                                 As required by Board of Zoning Appeals.
2. Minimum required lot width at the building line.
- a. Dwellings and apartments            Eighty (80) feet
  - b. Townhouses                                Individual units - None;  
Complex – One-hundred (100) feet
  - c. Places of worship                         One-hundred (100) feet
  - d. Other Uses                                 As required by Board of Zoning Appeals.
3. Minimum required front yard.
- a. Dwellings and apartments            Twenty-five (25) feet
  - b. Townhouses                                Twenty-five (25) feet
  - c. Places of worship                         Thirty (30) feet
  - d. Other Uses                                 Thirty (30) feet or more as required by the Board of Zoning Appeals
4. Minimum required rear yard.
- a. Dwellings and apartments            Twenty-five (25) feet
  - b. Townhouses                                Twenty-five (25) feet
  - c. Places of worship                         Thirty (30) feet
  - d. Other Uses                                 Thirty (30) feet or more as required by the Board of Zoning Appeals
  - e. On Corner Lots                            Minimum of twenty (20) feet provided street and side yards are kept at twenty-five (25) feet.

5. Minimum required side yard on each side of lot.
  - a. Dwellings and apartments Ten (10) feet
  - b. Townhouses Ten (10) feet on exterior walls
  - c. Places of worship Twenty-five (25) feet
  - d. Other Uses Ten (10) feet or more as required by the Board of Zoning Appeals.
  
6. Minimum required side yard for side facing street on corner lots Twenty-five (25) feet
  
7. Maximum lot coverage by all buildings
  - a. Dwellings, townhouses, apartments and accessories 35%
  - b. Places of worship 30%
  - c. Other Uses 50% or less as required by the Board of Zoning Appeals.
  
8. Maximum Height
  - a. No building or structure shall exceed three (3) stories or thirty-five (35) feet.
  - b. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1-1/2) stories or twenty-five (25) feet in height.
  - c. No accessory building shall exceed two (2) stories in height.
  - d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

**4-03. R-3 (Medium Density / Mobile Home) Districts**

A. Uses Permitted

1. Single-family, two family dwellings and mobile homes on individual lots.

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

- i. Access roads shall be constructed in the following manner:
  - (a) A compacted base course of crushed stone, (Grade D or Grade B), or equal six (6) inches deep and three (3) feet wider than the width of the pavement requirement on each side of the road (twenty-four (24) total).
- e. All mobile homes shall be secured to the site through an anchorage system consisting of over the top tie downs to restrict the unit from being pushed from its piers. These tie downs shall meet the anchorage requirements specified by Tennessee State Statutes.
- f. Utility connections shall be provided in a permanent type installation at each mobile home space.
- g. Each mobile home space shall be adequate for the type of unit occupying type of the same. In addition, each mobile home space shall contain:
  - i. A minimum lot area of four thousand (4,000) square feet.
  - ii. A minimum front yard of twenty (20) feet shall be required, unless end parking of an automobile is provided. In the case that side parking is provided, the minimum side yard requirement shall be fifteen (15) feet.
- h. Each mobile home park shall be setback a minimum of thirty-five (35) feet from all street or road rights-of-way.
- i. There shall be a setback of twenty (20) feet from other property lines.
- j. Recreation areas and facilities, such as play-grounds, swimming pools, and community buildings should be provided to meet the anticipated needs of the clientele the park is designed to serve.
- k. Required off-street parking areas.
  - i. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at a rate of at least two (2) car spaces for each mobile home lot.

- ii. The size of the individual parking space shall consist of a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet.
  - iii. Additional parking spaces for recreational centers, service buildings and other accessory uses may be required by the planning commission according to the design of the mobile home site plan.
- 4. Accessory buildings customarily incidental to any aforementioned permitted use.
- 5. Rights-of-way to modes of transportation, essential services, public utilities.
- 6. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area.
- 7. Temporary Family Healthcare Structures as accessory uses provided the following conditions are met:
  - a. Is primarily assembled at a location other than its site of installation;
  - b. Is limited to one occupant who shall be the older adult or person with a disability who requires extended home-based medical care, rehabilitation, or the provision of home and community-based support and assistance;
  - c. Meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act;
  - d. Has no more than 500 gross square feet; and
  - e. Complies with applicable provisions present law governing healthcare facilities and codes adopted by a municipality. Placing the temporary family healthcare structure on a permanent foundation shall not be required or permitted;
  - f. A special use permit for such is obtained;
  - g. The temporary structure is to be removed within 30 days after the resident to whom the permit was issued has vacated the unit. A fine of \$50 per day shall be levied upon property owners who fail to remove a temporary healthcare structure within said 30 days after it is no longer needed.

B. Uses Permissible on Appeal

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

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

- e. a minimum of one one-site parking space per guest room shall be provided in addition to any parking required for the principal residents, such parking to be prepared to regular residential parking standards of the Town;
  - f. one (1) sign of no more than three (3) square feet, placed no higher than six (6) feet above ground level, and with no direct lighting, shall be permitted to identify the bed and breakfast operation; and
  - g. any conditions set by the Board of Zoning Appeals to protect the surrounding neighborhood shall be the responsibility of the proprietors of the bed and breakfast operation.
5. Family Care Centers and Group Day Care Homes as defined in Chapter 2 under Nursery School, may be permitted by the Board of Zoning Appeals upon approval of a site plan which is drawn to scale and which addresses the following criteria. The approval and the site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, these operations approved shall meet the following requirements:
- a. Minimum required lot area
    - i. Family Day Care Home - 6,000 sf
  - b. Minimum required fenced play area
    - i. Family Day Care Home - 1,400 sf
  - c. The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.
  - d. The family day care home be conducted in single family residences only. Accessory structures may not be used for day care facilities.
  - e. If a Family Care Home is proposed to be expanded to a Group Day Care operation, the new day care operation shall need a new approval of use and site plan by the Board of Zoning Appeals, and shall be subject to appropriate regulations.
  - f. All outdoor play activities shall be conducted within the fenced play area.

g. The day care facilities, maintenance and operation shall meet the requirements of the Tennessee Department of Human Services and any other applicable local, state, or federal regulations.

h. There shall be no signs advertising the property as a day care facility.

C. Uses Prohibited

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

D. Location of Accessory Buildings

1. No accessory building shall be erected in any front or required side yard. Accessory building shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

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

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

1. Minimum required lot area.

a.	Single Family	6,000 sf
b.	Two Family	8,500 sf
c.	Multi-Family	5,500 sf for first dwelling unit plus 2,500 sf per additional dwelling unit.
d.	Townhouses	3,500 sf per unit.
e.	Places of worship	The greater of one (1) acre, or 200 sf of lot area per auditorium seat.
f.	Schools	Four (4) acres plus one (1) acre for each 100 students.
g.	Mobile Home Parks	Minimum of one (1) acre.
h.	Mobile Homes - Individual	6,000 sq. ft.
i.	Other Uses	As required by Board of Zoning Appeals.

2. Minimum required lot width at the building line.
  - a. Dwellings, apartments and Individual Mobile Homes      Sixty (60) feet
  - b. Townhouses      Individual units - None;  
Complex – One-hundred (100) feet
  - c. Places of worship      One-hundred (100) feet
  - d. Mobile Home Parks      One-hundred (100) feet per individual Mobile Home Sites
  - e. Other Uses      As required by Board of Zoning Appeals.
  
3. Minimum required front yard.
  - a. Dwellings, apartments and Individual Mobile Homes      Twenty-five (25) feet
  - b. Townhouses      Twenty-five (25) feet
  - c. Places of worship      Thirty (30) feet
  - d. Other Uses      Thirty (30) feet or more, as required by the Board of Zoning Appeals
  
4. Minimum required rear yard.
  - a. Dwellings, apartments and Individual Mobile Homes      Twenty-five (25) feet
  - b. Townhouses      Twenty-five (25) feet
  - c. Places of worship      Thirty (30) feet
  - d. Other Uses      Thirty (30) feet or more, as required by the Board of Zoning Appeals
  - e. On Corner Lots      Minimum of twenty (20) feet provided street and side yards are kept at twenty-five (25) feet.
  
5. Minimum required side yard on each side of lot.
  - a. Dwellings, apartments and      Ten (10) feet

Mobile Homes

- b. Townhouses Ten (10) feet on exterior walls
  - c. Places of worship Twenty-five (25) feet
  - d. Other Uses Ten (10) feet or more as required by the Board of Zoning Appeals.
6. Minimum required side yard for side facing street on corner lots Twenty-five (25) feet
7. Maximum lot coverage by all buildings.
- a. Dwellings, apartments and Mobile Homes 35%
  - b. Places of worship 30%
  - c. Other Uses 50% or less as required by the Board of Zoning Appeals.
8. Maximum Height
- a. No building or structure shall exceed three (3) stories or thirty-five (35) feet.
  - b. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
  - c. No accessory building shall exceed two (2) stories in height.
  - d. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.



## CHAPTER 5

### PROVISIONS GOVERNING BUSINESS DISTRICTS

#### SECTIONS

- 5-01. B-1 (Central Business) Districts
- 5-02. B-2 (Highway Business) Districts
- 5-03. B-3 (Impact Business-Industrial) Districts
- 5-04. CCC (Central Commercial Corridor) Districts

#### **5-01. B-1 (Central Business) Districts**

This district is designed to provide for a wide range of retail, office, amusement and service uses normally found in a central business district located in community downtowns. High intensity of use is permitted in this district, and increased building bulk is provided as a means of encouraging such development. This district is intended to be designed in a manner conducive to and safe for a high volume of pedestrian traffic

##### A. Uses Permitted.

1. Institutional - limited to the following:

Place of worship, lodge, club, parks, playgrounds, playfields, community centers, public, parochial and private non-profit museums, art galleries, libraries and observatories, non-profit private, public, and utility administrative offices, Post Offices (excluding major mail processing centers), police and fire stations

2. Public Utilities - limited to the following:

Communications equipment, installations or exchanges, electric or gas substations, electric, communication and telephone distribution lines, poles, transformers and splice boxes, water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines), private streets, rights-of-way to all modes of transportation, small landscaped, scenically significant open areas, and natural reserves

3. Lumber, Hardware, Building Materials - except for the following:

Building materials, heat and plumbing equipment, paint, glass, and wallpaper, hardware, electrical supplies, welding supplies, and lawnmower sales

4. General Merchandise

5. Food, Drug, and Beverage
6. Auto Dealer and Service Stations – limited to auto parts (new)
7. Apparel and Accessories: All uses
8. Furniture, Home Furnishing, and Appliances: All uses
9. Restaurants- except for:  
     Bars, taverns, nightclubs, and sport pubs
10. Art, Antique, and Jewelry: All uses
11. Books and Stationery: All uses
12. Hobby, Toy, and Pet: All uses
13. Miscellaneous Retail
14. Finance, Insurance, and Real Estate
15. Personal Services, except for the following:  
     Funeral Services
16. Professional Services, except for the following:  
     Veterinarians and medical clinic - outpatient
17. Business Offices: All uses
18. Recreation and Entertainment, limited to the following:  
     Motion picture - theater, roller skating, bowling, and health spa
19. Business Services, limited to the following:  
     Duplicating, mailing and stenographic, employment agencies, consulting services, detective and protective, trading stamps, equipment rental and leasing, clerical services, custom painting, excluding the printing of books other than pamphlets and small reports, and window cleaning
20. Repair Services, except for the following:

Auto repair, garages, electrical repair, small appliances, watch, clock, and jewelry repair, furniture and large household appliance repair

21. Educational Services: All uses
22. Undeveloped and Vacant, except for the following:

Circuses, carnivals and similar transient enterprises, open water including ponds, lakes, and reservoirs, streams and water ways (all man-made)
23. Residential, limited to apartments on the second story of buildings and more furtherly regulated as follows:
  - a. Apartments shall be located above the ground floor, basement, or in the rear portion of a structure that must be used for commercial or service use only.
  - b. Apartments shall be an incidental use to a permitted commercial or service use, unless located on the upper floor or basement of the structure the units will be premised.
  - c. A floor layout is designed that ensures adequate space and a separate outside entrance from the commercial entrance.
  - d. No more than one (1) apartment shall be allowed on the ground floor in any one (1) building.
  - e. The use must meet the parking requirements of this ordinance.
  - f. The character of the building as a commercial structure shall not be changed by the addition of the residential use.
  - g. No more than forty percent (40%) of a building with a single floor can be used for a residential use.
  - h. The occupant of a ground floor apartment use must either be the owner, proprietor, or an employee of the business located in the building.
  - i. Apartments which are located on the upper floor or within the basement of a structure may be used for rental purposes.
  - j. A site plan and floor layout shall be presented to the Building Inspector and to the Planning Commission to ensure the provisions of (i) through (ix) above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the Town of Stanton, Tennessee.

24. Artisan's Workshops limited to:  
  
Furniture Making, Woodworking, Sewing, Embroidery, Weaving, Metal Working, Candle Making, Glassblowing, Jewelry Making, Leather Craft, Pottery Making, Sculpting, and Painting.
25. Accessory buildings or uses customarily incidental to any aforementioned permitted use.
  - a. Accessory off-street parking and loading facilities
  - b. Accessory facilities and buildings customarily incidental to a permitted use

B. Uses Permitted on Appeal

1. Institutional - limited to the following:  
  
Temporary non-profit festivals
2. Public Utilities - limited to the following:  
  
Railroad, bus, and transit terminals, reservoirs and water tanks
3. Lumber, Hardware, Building Materials - except for the following:  
  
Greenhouse and nursery products
4. Personal Services, limited to Funeral Services
5. Recreational and Entertainment, limited to the following:  
  
Electronic amusement devices, arcade, and billiard parlors
6. Business Services, limited to Disinfecting and Exterminating
7. Repair Services, limited to Re-upholstery
8. Undeveloped and Vacant, limited to:  
  
Circuses, carnivals and similar transient enterprises, open water including ponds, lakes and reservoirs, streams, and waterways (all man-made).
9. Mixed-use occupancy involving commercial and residential uses shall be permitted in order to sustain development, redevelopment, and renovation of the general business district to prohibit the deterioration and dilapidation

of the commercial buildings in Stanton without undermining sales tax and retail area preservation.

For construction of new buildings or additions with proposed mixed use occupancy, the Planning Commission shall review a site plan in accordance with Chapter 10 followed by the approval of a certificate of occupancy by the Board of Zoning Appeals in accordance with this Ordinance.

No certificate of occupancy for such use in an existing building shall be issued without site plan and/or floor plan review by the Board of Zoning Appeals and subject to the following conditions in order to preserve and protect the character of the neighborhood in which the proposed use is located:

- a. A maximum of 50% of the total floor area of a structure shall be used for residential occupancy. The residential floor area shall be restricted to floors other than the first floor at ground level or basements in order to screen the general public from residential activities.
- b. All local, state, and federal requirements or codes shall be met.
- c. Dwelling units shall be separated from business occupancy areas by fire resistant materials or any stricter provisions as required by applicable national, state, and local codes.
- d. Commercial and residential parking shall be required. Residential parking spaces shall be designated by signage or striping. Two and one-half (2.5) spaces shall be required for each residential unit in the mixed-use structure. Parking for the commercial uses shall conform with the standards of this Ordinance.
- e. Separate entrances shall be required for each residential and commercial unit for mixed-use occupancy.

C. Prohibited Uses

Any use not allowed by right, by accessory use or by use permitted on appeal is prohibited in the B-1 (Central Business) District.

D. Bulk Regulations

1. Minimum Required Lot Area

Within the B-1 (Central Business) District, there is no minimum lot size.

2. Maximum Height

No building or structure shall exceed three (3) stories or thirty-five (35) feet. This limitation shall not apply to free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances; and provided they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

E. Yard Requirements

Within the B-1 (Central Business) District, no yards, as such, are required.

F. Use of Open Space

The following uses may be made of any open space in the B-1 (Central Business) District:

1. Landscaping
2. All open areas not occupied by driveways, sidewalks, and parking or loading areas, shall be devoted to landscaping.
3. Driveways
4. Off-Street Parking
5. Sidewalks

G. Access

All buildings in the B-1 (Central Business) District shall be readily accessible from the rear in order to provide for off-street loading or delivery, where feasible.

H. Site Plan Review

Site Plan Review in Accordance with CHAPTER 10, PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW.

I. Other Requirement

1. Exterior Storage

Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of buildings only.

2. Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses that by their nature must exist outside a building.

**5-02. B-2 (Highway Business) District**

This district is designed to provide adequate space in appropriate locations for the establishment of a wide variety of uses including commercial trade and service uses, entertainment facilities, offices and establishments engaged in wholesale trade. Since these activities tend to generate relatively large volumes of traffic and have other characteristics detrimental to residential districts, their locations should be removed from the proximity of residential district as such as possible.

A. Uses and Structures

1. Other Housing, except for: Hotel

2. Institutional, limited to:

Place of worship, school, public or private, grades K-12, day care center, group day care home, family day care home, nursing home, park, playground, playfield, community centers, public, parochial and private non-profit museums, art galleries, libraries and observatories, non-profit private, public and utility administrative offices, post offices (excluding major mail processing centers), police and fire stations

3. Public Utilities, limited to:

Communications installations or exchanges, Electric or gas substations, electric, communication and telephone distribution lines, poles, transformers and splice boxes (but not including electric transmission lines), water, storm drainage and sewer lines, and gas distribution lines with incidental appurtenances (but not including major fuel transmission lines), private streets, rights-of-way to all modes of transportation, small landscaped, scenically significant open areas, natural reserves

4. Lumber, Hardware, Building Materials: All uses

5. General Merchandise: All uses

6. Food, Drug, and Beverage: All uses

7. Auto Dealer and Service Station, limited to:

Service stations, auto parts (new), auto dealership, car wash, motorcycle sales, tire sales and servicing

8. Apparel and Accessories: All uses
9. Furniture, Home Furnishing, and Appliances: All uses
10. Restaurants, including restaurants which sale beer for on premise consumption. However, not to include bars, and night clubs
11. Art, Antique, and Jewelry: All uses
12. Hobby, Toy and Pet: All uses
13. Miscellaneous Retail: Salvage Clothing
14. Finance, Insurance, and Real Estate: All uses
15. Personal Services: All uses
16. Professional Services: All uses
17. Business Offices: All uses
18. Recreational and Entertainment, limited to:  

Motion picture theater, roller skating, bowling, electronic amusement devices, arcades, billiard parlor, health spa, and miniature golf
19. Business Services, except for:  

Photo-finishing, metal and wood fencing, ornamental grillwork, central laundry, dyeing and dry-cleaning works, truck terminals, and research services (private)
20. Repair Services, except for:  

Armature rewinding, welding shop, tire recapping or retreading
21. Educational Services: All uses
22. Contract Construction Services: All uses
23. Undeveloped and Vacant, except for:  

Circuses, carnivals and similar transient enterprises, open water including ponds, lakes and reservoirs, streams and water ways (all man-made)

B. Permitted Accessory Uses and Structures

1. Accessory off-street parking and loading facilities as required in Chapter 2 of this ordinance.
2. Accessory facilities and buildings customarily incidental to a permitted use

C. Uses Permitted on Appeal

1. Institutional, limited to:

Cemetery – mausoleum; country club, airports, air cargo terminals, heliports and any other aeronautical device, major mail processing centers, military installations, colleges, junior colleges and universities, but excluding business schools operated as profit-making enterprises, all golf courses, stadiums, sports arenas, auditoriums and bandstands, zoological gardens, temporary nonprofit festivals

2. Public Utilities, limited to:

Railroad, bus, and transit terminals, public and private utility corporations and truck yards, radio and television transmission stations, railroad yards and other transportation equipment marshaling and storage areas, reservoirs and water tanks, electric transmission lines and major fuel transmission lines, gas, electric production and treatment facilities, water production, and treatment facility.

3. Auto Dealers and Service Stations, limited to:

Used car sales, auto parts (used), boat, marine sales, truck, heavy equipment sales, auto and truck rental, mobile home sales; prefabricated homes

4. Recreation and Entertainment, limited to:

Drive-in movie, amusement park, fairground, golf driving range, and indoor shooting range

5. Business Services, limited to:

Photofinishing, research services (private), metal and wood fencing, and ornamental grill work

6. Wholesale Trade, limited to:

Drugs, chemicals and allied products, groceries and related products, electrical goods, hardware, plumbing and cooking equipment and supplies, metal and minerals

7. Undeveloped and Vacant, limited to:

Circuses, carnivals and similar transient enterprises, open water including ponds, lakes and reservoirs, streams and waterways (man-made).

8. Mixed-use occupancy involving commercial and residential uses shall be permitted in order to sustain development, redevelopment, and renovation of the general business district to prohibit the deterioration and dilapidation of the commercial buildings in Stanton without undermining sales tax and retail area preservation.

For construction of new buildings or additions with proposed mixed-use occupancy, the Planning Commission shall review a site plan in accordance with Chapter 10 followed by the approval of a certificate of occupancy by the Board of Zoning Appeals in accordance with this Ordinance.

No certificate of occupancy for such use in an existing building shall be issued without site plan and/or floor plan review by the Board of Zoning Appeals and subject to the following conditions in order to preserve and protect the character of the neighborhood in which the proposed use is located:

- a. A maximum of 50% of the total floor area of a structure shall be used for residential occupancy. The residential floor area shall be restricted to floors other than the first floor at ground level or basements in order to screen the general public from residential activities.
- b. All local, state, and federal requirements or codes shall be met.
- c. Dwelling units shall be separated from business occupancy areas by fire resistant materials or any stricter provisions as required by applicable national, state, and local codes.
- d. Commercial and residential parking shall be required. Residential parking spaces shall be designated by signage or striping. Two and one-half (2.5) spaces shall be required for each residential unit in the mixed-use structure. Parking for the commercial uses shall conform with the standards of this Ordinance.
- e. Separate entrances shall be required for each residential and commercial unit for mixed-use occupancy.

D. Prohibited Uses

Any use not allowed by right, by accessory use or by conditional use is prohibited in the B-2 (Highway Business District).

E. Bulk Regulations

1. Minimum Required Lot Area

Within the B-2 (Highway Business) District, the minimum required lot area shall be 15,000 square feet.

2. Maximum Height

3. No building or structure shall exceed three (3) stories or thirty-five (35) feet. This limitation shall not apply to free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances; and provided they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

F. Yard Requirements

1. General Provisions

General provisions applicable to all commercial districts concerning visibility at intersections, permitted obstruction in required yards, obstructions prohibited at street intersections, exceptions to these provisions and other regulations are contained in Chapter 2 of this ordinance.

2. Basic Provisions

a. Front Yards

In all B-2 (Highway Business) Districts, front yards abutting an arterial street shall be fifty (50) feet. On double frontage and corner lots, there shall be a front yard on each street.

b. Side Yards

The minimum side yard shall be twenty (20) feet.

c. Rear Yards

The minimum rear yard shall be thirty (30) feet. When abutting residential property, it shall be forty (40) feet.

3. Use of Required Yard Area

The following uses may be made of any open space in the B-2 (Highway Business) District:

a. Landscaping

The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping. All other required yard areas not occupied by sidewalks and driveways shall also be devoted to landscaping.

b. Driveways and Accessory Off-street Parking

c. Sidewalks

4. Site Plan Review

5. Site Plan Review in Accordance with CHAPTER 10, PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW.

**5-03. B-3 (Impact Business-Industrial) Districts**

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

Within the B-3 (Impact Business) District, the following regulations shall apply.

A. Uses Permitted.

1. Wholesale and Retail Trade.

2. Services Limited to:

a. Finance, Insurance and real estate services

b. Personal Services

c. Business Services excluding: Warehousing and storage services.

d. Professional Services excluding: Hospitals and Sanitariums, convalescent and rest home services.

e. Governmental Services

f. Miscellaneous Services

3. Hotels, Motels and Transient Lodging
4. Communication and Utilities Limited to:
  - a. Utilities Limited to: Electric, Gas, and Water
5. Cultural, Entertainment and Recreational Uses
6. Manufacturing, Processing, and Fabricating including:
  - a. Food And Kindred Products;
  - b. Textile And Mill Products;
  - c. Apparel And Other Finished Products Made From Fabrics, Leather, And Similar Materials;
  - d. Lumber And Wood Products; Furniture And Fixtures;
  - e. Paper; Printing, Publishing; Chemicals;
  - f. Petroleum Refining And Related Industry;
  - g. Rubber And Miscellaneous Products;
  - h. Stone, Clay, And Glass Products;
  - i. Primary Metal Industries;
  - j. Fabricated Metal Products;
  - k. Professional, Scientific, And Controlling Instruments;
  - l. Photographic And Optical Goods;
  - m. Watches And Clocks.

B. Uses Permitted on Appeal.

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

C. Uses Prohibited.

All uses not specifically permitted herein are prohibited.

D. Minimum Lot Size.

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

E. Minimum Lot Width at the Building Line.

All uses - 100 feet

F. Minimum Front Yard Depth.

1. All lots fronting arterial streets - 60 feet

2. All other Lots - 45 feet

G. Minimum Side Yard.

All uses - 20 feet

H. Minimum Rear Yard Depth.

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

I. Maximum Building Coverage (total all buildings).

All uses - Forty (40%) percent

J. Maximum Height

No building or structure shall exceed three (3) stories or thirty-five (35) feet. This limitation shall not apply to free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances; and provided they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

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

These requirements are specified in Chapter 3.

L. Locations and Standards

1. The Stanton Planning Commission is hereby mandated to impose the following restrictions on the location of adult entertainment establishments:

a. No adult entertainment establishment shall be permitted to locate within (1,000) feet of any pre-established residential use of any zoning district which is zoned for residential use. For the purpose

of this section districts zoned for residential use include (R-1, R-2, and R-3).

- b. No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet from pre-existing public or private school, child-care facility or established place of worship.
- c. No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet from a public park, public space or other similar open space, which caters to family groups and children.
- d. No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet from any other adult entertainment business.
- e. No adult entertainment shall be permitted to locate within one thousand (1,000) feet from any liquor store.
- f. For the purpose of this section, measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the proposed building housing the adult entertainment business to the nearest portion of the exterior wall of the existing specified business or land use, or to the nearest residential zoning district line, as appropriate.

M. Exterior Display

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

N. Signs

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

O. Site Plan Review

P. Site Plan Review in Accordance with CHAPTER 10, PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW.

**5-04. CCC (Central Corridor Commercial) District**

A. Intent - The intent of the CCC (Central Corridor Commercial) District is to provide for suitable areas that provide a variety of commercial activities located in the

vicinity of state highways and adjacent to areas in a downtown that are serviced by all municipal services.

B. Uses Permitted

Retail trade, Limited to:

1. General merchandise.
2. Food
3. Apparel and accessories.
4. Furniture, home furnishings and equipment.
5. Eating and drinking establishments.
6. Other retail trade Limited to (Not elsewhere coded)
7. Drug and Proprietary
8. Antiques
9. Books and Stationery
10. Sporting Goods and Bicycles
11. Farm and Garden Supplies
12. Jewelry
13. Ice
14. Florists
15. Newspaper and Magazines
16. Cigars and Cigarettes
17. Cameras and Photographic Supplies
18. Gifts, Novelties, and Souvenirs
19. Optical Goods
20. Pet Stores
21. Architectural supplies-Retail
22. Art Dealers-Retail
23. Artificial flowers-Retail
24. Artists' supplies and material stores-Retail
25. Auction rooms (general merchandise) -Retail
26. Autograph and Philatelist supply stores-Retail
27. Awning Shows-Retail
28. Baby Carriages-Retail
29. Banner shops-Retail
30. Binoculars -Retail
31. Cake Decorating Supplies -Retail
32. Candle Shops-Retail
33. Coin Shops-Retail, except for mail order
34. Cosmetic Shops-Retail
35. Electric Razor Shops-Retail
36. Flag Shops-Retail
37. Gems Stones, rough-Retail
38. Gravestones, finished-Retail
39. Hearing Aids-Retail
40. Hot Tubs-Retail

41. Ice Dealers-Retail
42. Monuments, finished to custom order-Retail
43. Orthopedic and artificial limb stores-Retail
44. Pet food stores-retail
45. Pet shops-retail
46. Picture Frames, ready made-Retail
47. Police Supply Store-Retail
48. Religious Goods Stores (other than books) -Retail
49. Rock and stone specimens-Retail
50. Rubber stamp stores-Retail
51. Stamps, philatelist except mail order-Retail
52. Stones crystalline, rough-Retail
53. Swimming Pools, home: not installed-Retail
54. Telephone Stores-Retail
55. Telescopes-Retail
56. Tent shops-Retail
57. Tombstones-Retail
58. Trophy Shops-Retail
59. Typewriter Stores-Retail
60. Whirlpools-Retail

C. Services, limited to:

1. Finance, insurance and real estate
2. Personal services limited to:
  - a. Laundry, Cleaning, and Garment Services
  - b. Photographic Studios, Portrait
  - c. Beauty Shops
  - d. Barber Shops
  - e. Shoe Repair Shops
  - f. Funeral Directors, Homes, or Parlors
3. Miscellaneous Personal Services limited to:
  - a. Tax Return Preparation Services
  - b. Babysitting bureaus
  - c. Bartering services for individuals
  - d. Birth certificate agencies
  - e. Blood pressure testing, coin-operated
  - f. Buyers' clubs
  - g. Car title and tag service
  - h. Checkroom concessions or services
  - i. Clothing rental, except industrial launderers and linen supply

- j. Coin-operated service machine operation: scales, shoeshine, lockers,
- k. College clearinghouses
- l. Computer photography or portraits
- m. Consumer buying service
- n. Costume rental
- o. Debt counseling or adjustment service to individuals
- p. Depilatory salons
- q. Diet workshops Dress suit rental
- r. Electrolysis (hair removal)
- s. Genealogical investigation service
- t. Hair removal (electrolysis)
- u. Hair weaving or replacement service
- v. Locker rental, except cold storage
- w. Marriage bureaus
- x. Porter service
- y. Quilting for individuals
- z. Rest room operation
- aa. Scalp treatment service
- bb. Shopping service for individuals
- cc. Tanning salons
- dd. Tuxedo rental
- ee. Wardrobe service, except theatrical
- ff. Wedding chapels, privately operated

4. Business services, excluding warehousing and storage services limited to:

- a. Advertising
- b. Credit reporting and Collection
- c. Mailing, Reproduction, stenographic limited to
- d. Direct mail advertising services
- e. Photocopying & duplicating services
- f. Commercial photography
- g. Commercial art and graphic design
- h. Secretarial & court reporting
- i. Employment agencies
- j. Computer and data Processing services
  - i. Computer programming services
  - ii. Prepackaged software
  - iii. Computer integrated systems design
  - iv. Data processing and preparation
  - v. Information retrieval services
  - vi. Computer facilities management
  - vii. Computer rental & leasing
  - viii. Computer maintenance & repair

- k. Miscellaneous Business Services, limited to:
  - i. Detective & armored car services offices only
  - ii. Security systems services, office only
  - iii. News syndicates
- l. Professional services limited to:
  - i. Legal Services
  - ii. Engineering, Architectural, and Planning Services
- m. Governmental services, excluding military bases and reservations and correctional institutions.
- n. Educational services.
- o. Miscellaneous services.
- p. Veterinary Hospital or Clinic For Pets And Other Small Animals
- q. Pet Grooming
- r. Cultural Activities, limited to:
  - i. Libraries.
  - ii. Places of worship
  - iii. Museums
  - iv. Art galleries.
- s. Public Assembly, limited to:
  - i. Motion picture theaters.
- t. Amusement

D. Uses Permitted on Appeal - None.

E. Uses Prohibited - Any use not specifically permitted.

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

1. Minimum required lot area

a. All uses                      15,000 sq. ft.

2. Minimum Lot width Measured at the Building Line

- a. All uses No minimum requirement

3. Minimum Depth of Front Yards

- a. All uses Twenty-five (25) ft.

4. Minimum Depth of Rear Yard

- a. All uses Twenty (20) feet, provided that when the commercial lot adjoins a residential district along the rear lot line that the minimum depth of the rear yard shall be twenty-five (25) feet.

5. Minimum Width of Side Yards

- a. Places of worship Twenty-five (25)  
b. Other uses

A periphery side yard shall be required for all developments within the Central Corridor Commercial District of 10 feet, provided that when Central Corridor Commercial District lot adjoins a residential district along the side yard, the minimum side yard shall comply with the side yard requirements of the adjacent residential district on the side adjacent to the residential district.

Internal to a zero-lot line development no side yard is required for individual uses constructed as part of an attached structure development, provided all applicable zoning Ordinance requirements are complied with, including access and parking provisions, and all City and State construction codes are met.

6. Maximum Lot Coverage by All Buildings

- a. All uses Forty-five (45) percent

7. Maximum Number of Principal Buildings on a Single Lot

- a. All uses One (1)

8. Maximum Height

No building or structure shall exceed three (3) stories or thirty-five (35) feet. This limitation shall not apply to free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances; and provided they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

9. Accessory buildings

- a. The location of accessory buildings and structures shall be governed by Chapter II, General Provisions 11-208 and any other requirements for this specific district.

10. Site Plan Review

Prior to the issuance of a building permit or certificate of occupancy all site plan requirements as set forth in Chapter 10

11. Landscaping - Prior to the issuance of any building permit or Certificate of Occupancy for a new principal structure, structures, or additions to such structures as Uses Permitted or Uses Permitted on Appeal, the developer shall comply with the provisions in Chapter 11, Section 11-918 of this Ordinance. The Planning Commission or Board of Zoning Appeals will review the landscaping and may require modifications or buffering to minimize the impacts of the project on adjacent development.

12. Parking and Loading Prior to the issuance of any building permit or Certificate of Occupancy for a new principal structure, structures, or additions to such structures as Uses Permitted or Uses Permitted on Appeal, the developer shall comply with the provisions in Chapter 2

G. Use of Required Yard Area

The following uses may be made of any open space in the CCC (Central Corridor Commercial) District:

1. Landscaping

The first ten (10) feet of any required yard adjacent to a street shall be devoted to landscaping. All other required yard areas not occupied by sidewalks and driveways shall also be devoted to landscaping.

2. Driveways and Accessory Off-street Parking

3. Sidewalks

H. Access

1. All buildings in the CCC (Central Corridor Commercial District) shall be readily accessible from the rear in order to provide for off-street loading or delivery, where feasible.

I. Other Requirement

1. Exterior Storage

Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of buildings only. As depicted on site plans

2. Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for parking, loading and other accessory uses that by their nature must exist outside a building. Outdoor dining and seating may be permitted as depicted on Site Plans and approved by the appropriate Review Authority.

3. Outside Display

No outside display of merchandise shall be permitted except as depicted on Site Plans and approved by the appropriate Review Authority.

J. Site Plan Review

1. Site Plan Review in Accordance with CHAPTER 10, PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW.

## CHAPTER 6

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

#### SECTIONS

6-01. I (Industrial) Districts

#### **6-01. I (Industrial) Districts**

##### A. Uses Permitted

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

##### B. Uses Permitted on Appeal

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

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



H. Site Plan Review

Site Plan Review in Accordance with CHAPTER 10, PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW.



## CHAPTER 7

### HISTORIC DISTRICT OVERLAY PROVISIONS

#### **SECTIONS**

- 7-01. Statement of Purpose
- 7-02. Historic Zoning Commission: Composition and Terms
- 7-03. Powers of the Commission
- 7-04. Rules of Order (By-Laws)
- 7-05. Designation of Landmarks, Landmark Sites, and Historic Districts
- 7-06. Preservation Permit
- 7-07. Criteria for Issuance of Preservation Permits
- 7-08. Procedures for Issuance of Preservation Permits
- 7-09. Economic Hardship
- 7-10. Appeals
- 7-11. Minimum Maintenance Requirements
- 7-12. Public Safety Exclusion
- 7-13. Enforcement and Penalties
- 7-14. Appropriations
- 7-15. Disqualification of Members by Conflict of Interest

#### **7-01. Statement of Purpose**

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

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

1. Protect, enhance and perpetuate resources which represent distinctive and significant elements of the Town's historical, cultural, social, economic, political archaeological, and architectural identity;
2. Ensure the harmonious, orderly, and efficient growth and development of the Town;
3. Strengthen civic pride and cultural stability through neighborhood conservation;
4. Stabilize the economy of the Town through the continued use, preservation, and revitalization of its resources;
5. Promote the use of resources for the education, pleasure, and welfare of the people of the Town of Stanton.
6. Provide a review process for the preservation and development of the Town's resources.

**7-02. Stanton Historic Zoning Commission**

A. Composition and Terms

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

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

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

**7-03. Powers of the Commission**

- A. The commission shall conduct or cause to be conducted a continuing study and survey of resources within the Town of Stanton.
- B. The commission shall recommend to the Town the adoption of ordinances designating preservation districts, landmarks, and landmark sites.
- C. The commission may recommend that the Town recognize sub-districts within any historic district,
- D. The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource within the historic districts, landmarks, and landmarks sites.
- E. The commission shall grant or deny Preservation Permits, and may grant Preservation Permits contingent upon the acceptance by the applicant of specified conditions.

- F. The commission does not have jurisdiction over interior arrangements of buildings and structures, except where such change will affect the exterior of the building and structures.
- G. The commission, subject to the requirements of the Town, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the Town for the purpose of carrying out the provisions of this ordinance.
- H. The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment,
- I. The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land or water for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private dwelling or structure without the express consent of the owner of record or occupant thereof.

**7-04. Rules of Order (By-Laws)**

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

- A. The commission annually shall elect from its membership a chair and vice-chair. It shall select a secretary from its membership or its staff. If neither the chair nor the vice-chair attends a particular meeting, the remaining members shall select an acting chair from the members in attendance at such meeting.
- B. The commission shall develop and adopt rules of order (by-laws) which shall govern the conduct of its business, subject to the approval of the Town. Such rules of order (by-laws) shall be a matter of public record.
- C. The commission shall develop design review guidelines for determining appropriateness as generally set forth in 11-707 of this ordinance.
- D. The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, ordinances, findings, determinations, and decisions. All such material shall be a matter of public record.
- E. The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of this ordinance and regular meetings shall be scheduled at least once every three (3) months. The chair or any two (2) members may call a special meeting to consider an urgent matter.

**7-05. Designation of Landmarks, Landmark Sites, and Historic Districts**

By ordinance, the Town may establish landmarks, landmark sites, and historic districts within the area of its jurisdiction. Such landmarks, landmark sites, or historic overlay districts shall be designated following the criteria as specified in Section 11-701.

- A. The commission shall initiate a continuing and thorough investigation of the archaeological, architectural, cultural, and historic significance of the Town's resources. The findings shall be collected in a cohesive format made a matter of public record, and made available for public inspection. The commission shall work toward providing complete documentation for previously designated historic districts which would include:
  - 1. A survey of all property within the boundary of the district, with photographs of each building.
  - 2. A survey which would be in a format consistent with the statewide inventory format of the Historic Preservation Division of the (SHPO).
- B. The commission shall advise the Town on the designation of historic districts, landmarks, or landmark sites and submit or cause to be prepared ordinance to make such designation.
- C. A resource or resources may be nominated for designation upon motion of three members of the commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the commission. The commission must reach a decision on whether to recommend a proposed nomination to the Town within six months in the case of preservation. After six months for a district and two months for a landmark or landmark site if no action has been taken by the commission the nomination proceeds to the Planning Commission for their recommendation to the Board.
- D. The commission shall hold a public hearing on the proposed historic district, landmark, or landmark site. If the commission votes to recommend to the Town the designation of a proposed resources, is shall promptly forward to the planning commission its recommendation, in writing, together with an accompanying file.
- E. The commission's recommendations to the Town for designation of a historic district shall be accompanied by:
  - 1. A map of the historic district that clearly delineates the boundaries.
  - 2. A verbal boundary description and justification.
  - 3. A written statement of significance for the proposed historic district.
- F. The Town Board shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be

published in the newspaper published in the Town. If a newspaper is not published in the Town, then the notice shall be published in a paper published in the county.

- G. Within sixty (60) calendar days after the public hearing held in connection herewith, the Town shall adopt the ordinance with such modifications as may be necessary.
- H. Furthermore, the commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and historic districts. An updated list and map shall be maintained by such agencies and made available to the public.

**7-06. Preservation Permit**

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

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

**7-07. Criteria for Issuance of Preservation Permits**

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

- A. General Factors:

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

B. New construction:

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

C. Exterior alteration:

1. All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related, as is provided in 11-708 A and B, and the design, over time, of a building, structure, object, or landscape feature shall be considered in applying these standards.
2. Exterior alterations shall not adversely affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.

- D. In considering an application for the demolition of a landmark or a resource within a historic district, the following shall be considered:
1. The commission shall consider the individual architectural, cultural, and/or historical significance of the resource.
  2. The commission shall consider the importance or contribution of the resource to the architectural character of the district.
  3. The commission shall consider the importance or contribution of the resource to neighboring property values.
  4. The commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material, or detail.
  5. Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, if any, as set forth in 11-708, B, prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction.
  6. Applicants that have received a recommendation for demolition shall be required to receive such demolition permit as well as Preservation Permit for the new construction. Permits for demolition and construction shall not be issued simultaneously.
  7. When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate Town boards, commissions, departments, and agencies.

**7-08. Procedures for Issuance of Preservation Permits**

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

- A. When any such application is filed, the Town building official shall immediately notify the commission chair, vice-chair, or staff of the application having been filed.
- B. The chair or vice-chair shall set the agenda for the regular meeting date or set a time and date, which shall be not later than thirty (30) days after the filing of the application for a hearing by the commission, and the Town building official shall be so informed.
- C. The applicant shall, upon request, have the right to a preliminary hearing by the commission for the purpose of making any changes or adjustments, which might be more consistent with the commission's standards.
- D. Not later than eight (8) days before the date set for the said hearing, the Town official shall mail notice thereof to the applicant at the address in the application and to all members of the commission.
- E. Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the Town at least (number of days to correspond to the newspaper publishing deadlines) days before such hearing and by posting such notice on the bulletin board in the lobby of Town hall.
- F. At such hearing, the applicant for a Preservation Permit shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.
- G. The commission shall have the right to conditional approval.
- H. Either at the meeting or within not more than fifteen (15) days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission, giving consideration to the factors set forth in 11-708 hereof. Evidence of approval of the application shall be by Preservation Permit issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the Town building official.
- I. The issuance of a Preservation Permit shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the Town concerning zoning, construction repair, or demolition.

**7-09. Economic Hardship**

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

**7-10. Appeals**

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

**7-11. Minimum Maintenance Requirements**

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

**7-12. Public Safety Exclusion**

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

- A. The Town building official concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.
- B. The historic zoning commission, if in doubt after receiving such notification from the Town building official, shall be allowed time to seek outside professional expertise from the State Historic Preservation Office and/or an independent structural engineer before issuing a Preservation Permit for the demolition. The commission may indicate in writing by letter to the Town building official that it will require a time period of up to thirty days for this purpose, and upon such notification to the Town building official, this section shall be suspended until the expiration of such a delay period.

**7-13. Enforcement and Penalties**

The Historic District Overlay Provisions shall be enforced by the town building inspector, who shall have the right to enter upon any premises necessary to carry out his duties in this enforcement.

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

**7-14. Appropriations**

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

**7-15. Disqualification of Members by Conflict of Interest**

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

## CHAPTER 8

### F-H FLOOD HAZARD OVERLAY DISTRICT

#### SECTIONS

- 8-01. Statutory Authorization, Findings of Fact, Purpose and Objectives
- 8-02. Definitions
- 8-03. General Provisions
- 8-04. Administration
- 8-05. Provisions for Flood Hazard Reduction
- 8-06. Variance Procedures

#### **8-01. Statutory Authorization, Findings of Fact, Purpose and Objectives**

##### A. Statutory Authorization

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

##### B. Findings of Fact

1. The Town of Stanton, Tennessee, Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the Town of Stanton, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

##### C. Statement of Purpose

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

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

D. Objectives

The objectives of this Ordinance are:

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

**8-02. 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.

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

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

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

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

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

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

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

"Area of Special Flood Hazard" see “Special Flood Hazard Area”.

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

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

"Building" see "Structure".

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

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

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

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

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

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

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

"Existing Structures" see "Existing Construction".

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

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

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

- A. 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;
- B. 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;

- C. 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
- D. Individually listed on the Town of Stanton, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
- E. By the approved Tennessee program as determined by the Secretary of the Interior or
- F. Directly by the Secretary of the Interior.

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

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

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

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

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

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

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

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

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated

as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

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

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

"State Coordinating Agency" the Tennessee Department of Economic and Community Development as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

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

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

"Variance" is a grant of relief from the requirements of this Ordinance.

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

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

### **8-03. General Provisions**

#### **A. Application**

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

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

The Areas of Special Flood Hazard identified on the Haywood County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) 47075CV000A dated April 16, 2008 and Flood Insurance Rate Map (FIRM), Community Panel Number 47075C 0310D dated April 16, 2008 along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

#### **C. Requirement for Development Permit**

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

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.

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.

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.

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Stanton, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**8-04. Administration**

A. Designation of Ordinance Administrator

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this Ordinance.

B. Permit Procedures

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

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in 11-805, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the

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

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

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

C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new

and substantially improved buildings, in accordance with 11-804, Section B.

7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with 11-804, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with 11-804, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Stanton, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

#### **8-05. Provisions for Flood Hazard Reduction**

##### **A. General Standards**

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

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of 11-805, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in 11-805, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in 11-802). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

2. Non-Residential Structures

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in 11-802). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in 11-804, Section B.

3. Enclosures

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of 11-805, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on:
  - i. individual lots or parcels,

- ii. in expansions to existing manufactured home parks or subdivisions, or
  - iii. in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - i. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - ii. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in 11-802).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of 11-805, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - i. Be on the site for fewer than 180 consecutive days;
  - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - iii. The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

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

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See 11-805, Section E).

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

Located within the Special Flood Hazard Areas established in 11-803, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Stanton, Tennessee and certification, thereof.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-805, Sections A and B.

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

Located within the Special Flood Hazard Areas established in 11-803, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-805, Sections A and B.

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

Located within the Special Flood Hazard Areas established in 11-803, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of 11-805, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at

least three (3) feet above the highest adjacent grade (as defined in 11-802). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in 11-804, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of 11-805, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Stanton, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-805, Sections A and B. Within approximate A Zones, require that those subsections of 11-805 Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in 11-803, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in 11-805, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of 11-805, Section B.

2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with 11-804, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in 11-803, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of 11-804 and 11-805 shall apply.

H. Standards for Unmapped Streams

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with 11-804 and 11-805.

**8-06. Variance Procedures**

A. Municipal Board of Zoning Appeals

1. Authority

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

3. Procedure

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

4. Appeals: How Taken

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

5. Powers

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

a. Administrative Review

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

administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

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

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

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

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in 11-806, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.



## CHAPTER 9

### SIGN REGULATIONS

#### SECTIONS

- 9-01. Purpose
- 9-02. Definitions
- 9-03. General Provisions
- 9-04. Exempt Signs
- 9-05. Prohibited Signs
- 9-06. Permits
- 9-07. Specific Sign Requirements
- 9-08. Signs for Development Complexes

#### **9-01. Purpose**

The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

#### **9-02. Definitions**

The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

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

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

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

- A. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.
- B. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form constant motion.

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

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

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

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

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

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

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

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

Billboard - See “Off-premise sign” and “Outdoor advertising sign.”

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

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

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

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

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

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

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

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

Development Complex Sign - A freestanding sign identifying a multiple -occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section 1009.2 of this chapter.

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

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

Electric Sign - Any sign activated or illuminated by means of electrical energy.

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

Exterior Sign - Any sign placed outside a building.

Façade - See “Building façade”

Fascia Sign - See “Wall sign.”

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

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

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

Ground Sign - See “Freestanding sign.”

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

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

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

Marquee - See “Canopy (attached).”

Marquee Sign - See “Canopy sign.”

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

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

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

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

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

Pole Sign - See “Freestanding sign.”

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

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

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

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

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

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

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

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

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

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

Sign Face - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See Section 1003.

- A. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- B. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.

- C. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination or regular geometric figures drawn closet to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or
- D. In the case of sign enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.
- E. Sign Structure - Any structure supporting a sign.
- F. Temporary Sign - A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.
- G. Under Canopy Sign or Under Marquee Sign - A sign attached to the underside of a canopy or marquee.

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

### **9-03. General Provisions**

- A. Conformance to codes. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the International Building Code and of any other ordinance or regulations within this jurisdiction.
- B. Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within 2 feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.
- C. Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
- D. Traffic visibility. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location

where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

- E. Computation of frontage. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property uses, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
- F. Animation and changeable messages. Animated signs, except as prohibited in Section 1006, are permitted in commercial and industrial zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.
- G. Maintenance, repair and removal. Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and / or the user of the sign.
- H. Obsolete sign copy. Any sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the municipal code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.
- I. Nonconforming signs. Any sign legally existing at time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming uses or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:
  - 1. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
  - 2. Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50

percent of the replacement cost of the sign as determined by the code official.

3. Signs that comply with either Item 1 or 2 above need not be permitted.

#### **9-04. Exempt Signs**

- A. Exempt signs. The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from Section 11-904.4
  1. Official notices authorized by a court, public body or public safety official.
  2. Directional, warning or information signs authorized by federal, state or municipal governments.
  3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
  4. The flag of a government or noncommercial institution, such as a school.
  5. Religious symbols and seasonal decorations within the appropriate public holiday season.
  6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
  7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet in area.

#### **9-05. Prohibited Signs**

- A. Prohibited signs. The following devices and locations shall be specifically prohibited:
  1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
  2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
  3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

4. Portable signs except as allowed for temporary signs.
5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
  - a. The primary purpose of such a vehicle or trailer is not the display of signs.
  - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
  - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which signs relate.
6. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
7. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this section, “temporarily” means no more than 20 days in any calendar year.

**9-06. Permits**

- A. Permits required. Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.
- B. Construction documents. Before any permit is granted for the erection of a sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional.
- C. Changes to signs. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of moveable parts or components of

an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and / or graphic matter, or the content of any sign shall not be deemed a structural alteration.

- D. Permit fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

**9-07. Specific Sign Requirements**

A. Identification signs.

1. Wall signs. Every multi-family residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone may display wall signs per street frontage. For shopping centers, planned industrial parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than 40 square feet.
2. Freestanding signs. In addition to any allowable wall signs, every single-family residential subdivision, multifamily residential complex, commercial or industrial building, and every separate nonresidential building in a residential zone shall be permitted to display freestanding or combination signs per street frontage.
3. Directional signs. No more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be 10 square feet. For all other zones, the maximum area for directional sign visible from adjacent property rights-of-way shall be 20 square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

B. Temporary signs

1. Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:
  - a. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 3 feet in height and 4 square feet in area.
  - b. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be no greater than 8 feet in height.

All signs permitted under this section shall be removed within 10 days after sale of the last original lot.

- c. Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than 30 square feet in area nor 10 feet in height, and shall be limited to one sign per street front.
- d. Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be not greater than 5 feet in height, and 40 square feet.
- e. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

2. Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- a. Such signs on a single residential lot shall be limited to one sign, not greater than 5 feet in height and 30 square feet in area.
- b. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or one of the lots to be built upon, and shall be no greater than 6 feet in height and 40 square feet in area.
- c. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than 6 feet in height and 40 square feet in area.
- d. Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed 10 feet in height and 50 square feet.
- e. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for all or any portion of the project.

3. Special promotions, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:

- a. Such signs shall be limited to one sign per street front.
  - b. Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
  - c. The total area of all such signs shall not exceed 30 square feet in any single-family residential district, 30 square feet in any multifamily residential district and 40 square feet in any commercial or industrial district.
4. Special event signs in public ways. Signs advertising a special community event shall be permitted in or over public rights-of-way, subject to approval by the code official as to the size, location and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.
5. Portable signs. Portable signs shall be permitted, only in the B-2 (Highway Business districts, as designated in this code, subject to the following limitations:
- a. No more than one such sign may be displayed on any property, and shall not exceed a height of 5, feet nor an area of 30 square feet.
  - b. Such signs shall be displayed not more than 20 days in any calendar year.
  - c. Any electrical portable signs shall comply with the *ICC Electrical Code*, as adopted in this jurisdiction.
  - d. No portable sign shall be displayed prior to obtaining a sign permit.
- C. Requirements for specific sign types.
1. Canopy and marquee signs.
- a. The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied.
  - b. Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

2. Awning signs.

- a. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
- b. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

3. Projecting signs.

- a. Projecting signs shall be permitted in lieu of freestanding signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to 30, square feet per each 50, lineal foot of building frontage, except that no such sign shall exceed an area of 40 square feet.
- b. No such sign shall extend vertically above the highest point of the building façade upon which it is mounted by more than 5 of height of the building façade.
- c. Such signs shall not extend over a public sidewalk in excess of 1 foot width of the sidewalk.
- d. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 15 feet.

4. Under canopy signs.

- a. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed 40 square feet.
- b. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 15 feet.

5. Roof signs.

- a. Roof signs shall be permitted in commercial and industrial districts only.
- b. Such signs shall be limited to a height above the roof line of the elevation parallel to the signs face of no more than 5 of the height

of the roofline in commercial districts, and 6 of the height of the roofline in industrial districts.

- c. The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.
6. Window signs. Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and industrial districts, subject to the following limitations:
- a. The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.
  - b. Window signs shall not be assessed against the sign area permitted for other sign types.

**9-08. Signs for Development Complexes**

- A. Master sign plan required. All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres in size, such as shopping centers or planned industrial parks, shall submit to the code official a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:
1. Proposed sign locations.
  2. Materials.
  3. Type of illumination.
  4. Design of freestanding sign structures.
  5. Size.
  6. Quantity.
  7. Uniform standards for non-business signage, including directional and informational signs.
- B. Development complex sign. In addition to the freestanding business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one freestanding sign per street front, at the maximum size permitted for business identification freestanding signs, to identify the

development complex. No business identification shall be permitted on a development complex sign. Any freestanding sign otherwise permitted under this ordinance may identify the name of the development complex.

- C. Compliance with master sign plan. All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.
- D. Amendments. Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will effective.



## CHAPTER 10

### SITE PLAN PROCEDURES AND REQUIREMENTS

#### SECTIONS

10-01. Procedures and Requirements for Site Plan Review

10-02. Required Public and Private Improvements and Surety for these Improvements

#### **10-01. Procedures and Requirements for Site Plan Review**

Before a building permit is issued for any permitted use or Use Permitted on Appeal listed, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. Zoning certificates of occupancy when parking, handicapped parking, loading, or utilities improvements are required and shall be referred to the Planning Commission for site plan approval. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area, compatibility of the proposed use with existing nearby uses, as well as for the purposes of traffic circulation, emergency access, utility access maintenance, and repair, or refuse collection in relation to the proposed use or adjacent uses.

The provision of well-designed and properly constructed infrastructure within such development is vital to the health, safety and welfare of the public utilizing said development and the community as a whole. These types of developments typically contain infrastructure that may be dedicated to a governmental entity or may be controlled by other types of bodies or nongovernmental entities including, but not limited to, property owner associations. These infrastructure and internal development improvements such as, but not limited to, public and nonpublic roads, water and sewer lines, landscaping, green space, sustainable design features and other improvements as required by the Planning Commission, either through its subdivision regulation or through the local government's zoning ordinance, shall be subject to bonding or other methods of guaranteeing their installation. The Planning Commission may set and hold these guaranteeing instruments or may designate to another governmental body that duty and function as per Tennessee Code Annotated 13-4-310.

- A. Site Plan Submission and Review. Site plan review is required under three (3) instances by the Zoning Ordinance. These instances include:
1. Review and approval by the Building Inspector or Mayor's designee prior to the issuance of a building permit.
  2. Review and approval by the Stanton Planning Commission

3. Review and approval by the Stanton Board of Zoning Appeals prior to the approval of a permitted Use Permitted on Appeal.

B. Review Procedure

1. Review and approval by Building Inspector or Mayor's Designee

- a. Prior to the issuance of a building permit, a site plan shall be submitted to the Building Inspector. The site plan for single-family dwellings shall be reviewed for compliance with the provisions of this section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.

2. Review and approval by the Stanton Planning Commission or Stanton Board of Zoning Appeals

- a. The owner or developer shall submit four (4) copies of the proposed site plan to the Town Hall at least fifteen (15) days prior to the regular meeting date of the Planning Commission or Board of Zoning Appeals, whichever is applicable. The site plan shall be reviewed considering the provisions of this Ordinance and the appropriate district regulations and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the Secretary of the Planning Commission or Chairman of the Board of Zoning Appeals, whichever is applicable. At least one copy of the submission shall be emailed to the Town Hall in a PDF (Portable Document Format) or other format as may be required by the Planning Commission.
- b. Prior to the regular Planning Commission or Board of Zoning Appeals meeting, whichever is applicable, copies of the proposed site plan will be distributed by the Building Inspector or Mayor's Designee to other affected Town departments and the planning staff to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the Planning Commission or Board of Zoning Appeals, whichever is applicable. The owner, developer, or agent will be invited to attend the meeting.
- c. In the instance of disapproval, reasons for such disapproval shall be stated in writing.
- d. Expiration of Approval and Renewal - A site plan approved by the Planning Commission or the Board of Zoning Appeals shall lapse unless a building permit, based thereon, is issued within three (3) years from the date of such approval unless an extension of time is

applied for and granted by the appropriate approving body unless otherwise specified by law.

C. Contents of the Site Plan for a Single Family and a Two-Family Development

Construction of Single-Family and Two-Family Dwellings. In instances where the proposed construction is an individual Single-Family Dwelling or Two-Family Dwelling, the site plan shall include the following:

1. All property lines and their surveyed distances and courses, Tax Map and deed references.
2. All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
3. Total land area.
4. Present zoning of site and abutting properties.
5. Name, address of owner of record and applicant. Provisions for utilities, water, sewer, etc
6. Location and dimensions of the existing and proposed structures.

D. Contents of the Site Plan for Multifamily, Apartments, Townhouses, Commercial, Non-Residential, Industrial Development, and other Uses

1. The site plan shall show the following and be at a scale between 1" = 10' and 1" = 50'.):
  - a. Name of development, address, and proposed use
  - b. Name and address of owner of record and the applicant
  - c. Present zoning of the site and abutting property along with references to deeds, recorded subdivisions of these adjoining properties
  - d. Date, graphic scale, and north point with reference to source of meridian.
  - e. Courses and distances of center of all streets and all property lines
  - f. All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way as well as status whether public or private with source references.
  - g. The total land area

- h. Certification as to the accuracy of the plan by a licensed surveyor, engineer, or architect.
- 2. The Site Plan shall show the location of the following when existing:
  - a. Sidewalks, streets, alleys, easements and utilities
  - b. Building and structures
  - c. Public sewer systems
  - d. Slopes, terraces and retaining walls
  - e. Driveways, entrances, exits, parking areas and sidewalks
  - f. Water mains and fire hydrants
  - g. Trees and shrubs
  - h. Recreational areas and swimming pools
  - i. Natural and artificial water courses
  - j. Limits of floodplains with references to current Flood Insurance Rate Map
  - k. Distances from the closest corner of proposed sites to all existing wellheads, elevated water storage tanks, sewer lagoons, sewer facilities except septic, underground storage tanks, and wetlands on or within five hundred (500) feet on any adjacent properties
- 3. The Site Plan shall show the location, dimensions, width, and height of the following when proposed.
  - a. Sidewalks, streets, alleys, easements, and utilities
  - b. Buildings and structures including the front street elevation of proposed buildings if the buildings exceed one story in height
  - c. Public sewer systems
  - d. Slopes, terraces, and retaining walls
  - e. Driveways, entrances, exits, parking areas, and sidewalks
  - f. Water mains and fire hydrants

- g. Trees and shrubs
  - h. Recreational areas
  - i. Distances between buildings
  - j. Estimates of the following when applicable:
    - i. Number of dwelling units or other
    - ii. Number of parking spaces
    - iii. Number of loading spaces
  - k. Plans for Collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any
  - l. Existing ground elevations and proposed grading at one foot contour intervals), surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures
  - m. In instances where common parking, easements, entrance and egress, are proposed, or other features or requirements imposed by the Town of Stanton are shared in the development or use of any properties, such shared or common features shall be shown on the required site plan and shall be included in restrictive covenants and included with such site plan
  - n. Proposed dumpster pad
  - o. Show sufficient detail to indicate compliance with accessibility standards
4. Certificates on the site plan will include the following:
- a. The following certificates are required on the Site Plan and Stamped by the appropriate professional (See Appendix);
    - i. Certificate of ownership and dedication
    - ii. Mortgagee certificate, if applicable
    - iii. Certificate of survey

- iv. Review of water, sewer and drainage systems plans (unless available)
- v. Review of availability of water and sewer
- vi. Certificate of adequacy of storm drainage if applicable
- vii. Certificate of accuracy of engineering and design, if applicable
- viii. Certificate of receipt of approved water and sewage systems plans if applicable
- ix. Review of the availability of access to a public street
- x. Certificate of review of availability of natural gas
- xi. Certificate of review of availability of electricity
- xii. Certificate of review by Stanton fire chief
- xiii. Planning commissions certificate of approval of the site plan

5. The certification required of the owner and trustee of the mortgage shall serve as the commitment by the owner that the site will be developed as shown on the approved Site Plan. Upon such certification by the owner, the approved Site Plan shall be (filed) by the Building Inspector or Mayor's Designee in the Town Hall and shall regulate the development of the subject parcel. If, during the process of construction, the Building Inspector or Mayor's Designee notes variations from the approved Site Plan, he shall promptly notify the owner in writing of these variations and shall direct the variations to be corrected within a specified period. If, after proper notice by the Building inspector, the owner has not complied with the provisions of approved Site Plan, the Building Inspector or Mayor's Designee shall have the authority to cite the owner to the appropriate Court of competent jurisdiction for violation of this Ordinance.

**10-02. Required Public and Private Improvements and Surety for these Improvements**

A. Necessary action shall be taken by the developer to extend a water supply system capable of providing water use and fire protection. The applicant shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the Planning Commission, the Tennessee Department of Environment and Conservation and these regulations. Water mains shall not be less than six (6) inches in diameter. Fire hydrants shall be required to be located no more than five hundred (500) feet apart. However, the Planning

Commission may require closer spacing where physical conditions or types of structures so warrant. All underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of parking areas.

- B. The minimum size of a public sewer line shall be eight (8) inches in diameter for gravity lines and six (6) inches in diameter for forced lines unless approved by the Town of Stanton in accordance with Town ordinances and/or policies. Existing utility needs and facilities may require additional upgrades
- C. Parking areas, loading areas, screening, buffering, and landscaping shall be designed in accordance with the provisions of this Zoning Ordinance or other municipal ordinances.
- D. Turn-lanes, Public Street, Private Street, Public/Private Access easement improvements shall be required along such adjacent facilities. The Planning Commission may require the dedication of such facilities to an appropriate governmental authority. Such dedication shall not be deemed acceptance. The Major Road Plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways. Turn lanes of ample width, length, and design shall be implemented along any designated Arterial and Collector Streets as guided by the appropriate Major Road Plan or other component of a Plan as described in Tennessee Code Annotated Title 13. Access control along any designated Arterials may be stipulated. Turn lanes may be required along other streets as warranted by site or other existing conditions. Drains, medians, and street signage improvements or installation may be required in existing rights-of-way.
- E. Curbs and gutters will be required adjacent to public or private streets or along proposed driveways either permanent integral type six-inch (6") concrete curbs with twenty-four inch (24") gutters when there is an existing curb and gutter system in place; standard rolled type concrete curbs and gutters; or other construction approved by the Planning Commission.
- F. Sidewalks will be required as per the Stanton Master Plan and any accompanying plans. When constructed these shall be located in the street right-of-way with the outside edge coinciding with the right-of-way line or across a proposed parking lot. All sidewalks shall have a main slab of not less than four (4) inches in thickness. For proper drainage all sidewalks shall have one- and one-half percent (1-1.5%) slope towards the adjacent street. Sidewalks shall have a minimum width of five (5) feet. Alignment with existing public or private facilities may be required.
- G. Handicap ramps shall be installed at all crosswalks and street intersections so as to make the transition from street or parking area to sidewalk easily negotiable for

physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high-quality durable Portland cement concrete. The concrete shall be ready-mixed, air entrained, 4000 lb. concrete. All concrete shall be placed, cured, and tested in accordance with the Local Government Public Works Standards and Specifications, Americans with Disabilities Act compliant as described in Public Right-of-Way Accessibility Guidelines (PROWAG)

- H. Stormwater drainage for a proposed development, except in rare occurrences, has the effect of increasing net and peak run-offs. Adequate drainage should provide for these increases. All catch basin grates shall be installed at binder surface grade until surface mix to be installed. At the time of surface mix installation, all grates must be reset to avoid water flooding into downstream drainage systems. The developer shall be prepared to substantiate the basis for any method of drainage prepared by the appropriate licensed professional. The drainage network shall consist of a wide variety of drainage appurtenances ranging from inlets, manholes, street gutters, existing roadside ditches, and swales to small channels or pipes and stormwater detention/retention facilities, improvements. This system serves to collect the initial stormwater runoff and convey this run-off to properly and professionally designed facilities. Retention and detention ponds shall be designed to limit the rate of runoff from the site and temporarily store the excess volume. The maximum allowable rate of discharge from the developed site shall be no more than would have occurred from a storm of specified frequency prior to site development. Runoff from the discharge design storm shall be computed for pre-development conditions at the site. The volume of any required or necessary stormwater detention facility shall be sufficient to safely store the difference between the allowable discharge rates produced by the actual runoff from the developed site. The actual runoff under post-development conditions shall be computed based on a design frequency for a 24-hour duration storm, which varies in accordance with the drainage area above the point of discharge. Detention facilities must be designed to safely detain and then discharge the runoff produced by the 10-year-24-hour storm under post-development conditions based on the Soil Conservation Service hydrologic method. A minimum of one foot of freeboard shall be maintained in the detention facility in the 10-year storm event.)
- I. No building permit or zoning certificate of occupancy shall be issued based on a site plan approved by the Planning Commission until one of the following conditions has been met in addition to the approval of a Site Plan Contract by the Board of Mayor and Alderman:
1. Installation of Required Improvements: All required improvements have been constructed in a satisfactory manner and approved by the appropriate governmental representative.
  2. Security Bond or Other Approved Collateral: The Planning Commission has accepted a security bond, or other approved collateral, in an amount

equal to the estimated cost of installation of the required improvements (with consideration given for such factors as inflation and the time of completion), whereby improvements may be made and utilities installed.

3. Release or Reduction of Surety Instrument or Performance Bond: The Planning Commission shall not recommend dedication of required public improvements nor shall the Planning Commission release nor reduce a Surety Instrument or Performance Bond until the appropriate governmental representative states or submits a letter stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the site. Upon such approval and recommendation, the governing body or private entity responsible for maintenance, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in the Zoning Ordinance, municipal standards, or appropriate utility standards, state or federal codes, or after appropriate technical references such as Local Government Public Works Standards and Specifications.



**CHAPTER 11**  
**LANDSCAPING SITE DEVELOPMENT STANDARDS**

**SECTIONS**

- 11-01. Statement of Purpose
- 11-02. Definitions
- 11-03. Tree Planting
- 11-04. Tree Protection
- 11-05. Landscape Plan
- 11-06. Administration and Enforcement
- 11-07. Maintenance
- 11-08. Landscape Plan and Planting Requirements
- 11-09. Plant Materials Standards
- 11-10. Tree Preservation
- 11-11. Landscaping Regulations for Multi-family, (with more than 3 units), Commercial, and Industrial Sites
- 11-12. Tree List

**11-01. Statement of Purpose**

A. General Purpose

The purposes of this ordinance are to promote the health, safety, and public welfare in the Town of Stanton, and be consistent with forestry policy and practice for urban areas promulgated by the Division of Forestry of the State of Tennessee: (1) To encourage the planting of trees and landscaping in the Town of Stanton, (2) To encourage the maintenance and protection of existing trees, and, (3) To encourage the removal of undesirable or diseased trees.

B. Standards

The standards herein are hereby established in order to lessen air pollution, to promote clean air quality by increasing dust filtration, to reduce noise, heat, and glare, to prevent soil erosion, to improve surface drainage and minimize flooding, to ensure that activities in one area do not adversely affect activities within adjacent areas, to emphasize the importance of trees as a visual screen, to beautify and enhance improved and undeveloped land, to maintain the ambiance of the Town, to ensure that tree planting and removal does not reduce property values, and to minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters.

## 11-02. Definitions

A. AAN

American Association of Nurseryman upon which the quality and measurement of plant materials for this ordinance shall be based.

B. Caliper Inches

For trees larger than four inches (4"), the quantity in inches of the diameter of a tree measured one foot above the ground. For trees up to and including four inches (4"), the quantity in inches of the diameter of the tree measured six (6") inches above the ground.

C. Canopy or Shade Tree

Any deciduous tree maturing at a height of at least thirty (30) feet or greater that would occupy the upper canopy of a forest.

D. Conifer Tree

Any tree with needle leaves and a woody cone fruit.

E. Deciduous Tree

Any tree which sheds its leaves in the fall or winter.

F. Drip Line

A vertical line extending from the outermost portion of a tree to the ground.

G. Endangered Species

Those trees which are under the protection of State and/or Federal law.

H. Evergreen

Those trees, including broad-leaf and conifer trees, that maintain their leaves year round.

I. Landscape Surface Area

The area of the site not devoted to paving or buildings. Fountains and retention facilities shall be counted as part of the landscape area.

J. Line Clearance

Removal of limbs and branches within a set distance of utility lines.

K. Private Tree

Any tree in an area owned by a private individual, business, company, industry, or institution, or in any area not owned by a governmental entity.

L. Pruning

Selective removal of the upper portions of any tree, taking into account the natural shape and structure of the tree.

M. Public Tree

Any tree in an area owned by a governmental entity.

N. Replacement Tree

Any tree being planted on a site to replace a tree which has been removed or destroyed for any reason.

O. Street Tree

Any tree within a public right-of-way along a road, street, median, or in a similar area in which the public right-of-way borders areas owned by private citizens.

P. Supplemental Tree

Any tree being planted on a site which is in addition to existing trees and replacement trees.

Q. Topping

The non-selective removal of the top portions of any tree without regard to the natural shape and structure of the tree.

R. Tree

Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous, or ornamental, as defined herein.

S. Understory Tree

Any deciduous tree maturing at a height of less than thirty (30) feet that would occupy the understory of a forest.

**11-03. Tree Planting**

A. Public Tree Planting

Tree planting shall be undertaken by the Town in all public areas in a systematic manner to assure diversity of age, classes, and species. Areas to be planted, density, appropriate species, and other aspects of the planting function shall be determined by the "Tree Commission".

B. Private Tree Planting

Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest.

C. Planning Commission Requirements

1. The Planning Commission shall in the normal course of its approval process, require the planting of public trees or private trees to replace trees which have been removed, destroyed, or severely damaged during the courses of development or construction, except that in no case shall replacement trees be required in excess of the minimum established in this ordinance.
2. The Planning Commission shall in the normal course of its approval process, require the planting of public trees or private trees to supplement the trees on any site proposed for development, except that in no case shall supplemental trees be required in excess of this ordinance.

**11-04. Tree Protection**

A. Public Trees

- B. It shall be unlawful for any person to remove or cause to be removed any public tree or other wood plant, whether such plants are trees as defined herein, or smaller flora which are part of the under-story, shrub layer, or herb layer, of any size or of any species without first obtaining the permission of the Planning Commission or its designee.

**11-05. Landscape Plan**

A. Requirement

A Landscape Plan shall be required for all new development projects requiring a site plan or preliminary/final subdivision approval.

B. Approval

An approved Landscape Plan as defined in this Chapter shall be required for the entire premises, prior to issue of development permits.

**11-06. Administration and Enforcement**

A. Standards

A Landscape Plan, which complies with the minimum standards set forth in this Chapter, shall be submitted to the Planning Commission and Building Inspector, as appropriate, along with the proposed property development plans.

B. Review Time

The Landscape Plan shall be reviewed and approved or disapproved within thirty (30) days from submission to the Planning Commission. If disapproved, the reason(s) for such action shall be transmitted to the applicant in writing. Corrections shall be made re-submitted for review at the next scheduled Planning Commission.

C. Appeal

Any person aggrieved by a decision of the Building Inspector in the enforcement of the requirements of this Chapter, may appeal the decision to the Board of Zoning Appeals. The requirements of site development plans approved by the Planning Commission shall not be appealed.

D. Permitting

A Landscape Plan is required for a Building Permit. The landscaping must be installed completely and approved by the Planning Commission prior to issuance of a Certificate of Occupancy by the Building Inspector.

**11-07. Maintenance**

A. Private Property

The owner of private property shall be responsible for the maintenance, repair, and replacement of all landscaping materials required by this Chapter.

B. Time Period

All plant material shall be tended and maintained in a healthy growing condition, replaced when dead, and kept free of weeds, refuse, and debris for two (2) years. A citation will be issued when necessary to advise the owner that corrective action is necessary, and how many days will be allowed for this work to occur.

C. Public Property

The Public Works Department shall be responsible for pruning, watering, fertilizing, insect and disease control, and other tree care to keep all public trees reasonably healthy and to minimize the risk of hazard to residents and visitors to the Town.

D. Encouragement

Care and maintenance of private trees are encouraged to minimize health and safety risks to people.

E. Right of Way

The Public Works Department may remove, prune, fertilize, water, or otherwise treat with insecticides, fungicides, herbicides, or other means, any private tree which overhangs any public right-of-way, comes in contact with overhead utility lines, creates any traffic hazard by restricting visibility, or poses a health risk to other plants, animals, or person by disease or insect infestation.

F. Proper Pruning

Proper pruning with branch removal at branch or trunk junctures is required for all public trees, and strongly encouraged for all private trees.

**11-08. Landscape Plan and Planting Requirements**

A. Scale

The Landscape Plan shall be drawn to a scale of no less than 1" = 50' and may be a part of the Grading Plan, Site Plan, or on a separate drawing labeled Landscape Plan.

B. Plant List

All existing and proposed landscape materials shall be labeled as to size, quantity, and name on the Landscape Plan.

C. Existing Trees

All existing trees 8" caliper and greater shall be denoted on the Grading Plan or Site Plan. Trees to be removed shall be clearly labeled.

D. Tree Preservation Credit

Total credit shall be given for trees preserved during the development and construction process.

E. Replacement of Preserved Trees

Trees marked for preservation and damaged or destroyed during construction, or that die subsequently during the first 24 months, shall be replaced with an equivalent caliper inches of trees.

F. Landscape Integration

Landscaping shall be integrated into building arrangements, topography, parking, and buffering requirements. Landscaping shall include trees, shrubs, ground cover, and the use of building and paving materials in a manner that respects the natural topographic features and natural resources of the site.

G. Utility Avoidance

1. Trees shall not be planted within 5 feet of underground utilities. Street or canopy trees shall not be planted within 10' of the alignment of overhead utility lines.
2. Trees shall not be planted closer than 10 feet to a fire hydrant, utility pole, or street light.

#### H. Visibility

A "clear site triangle" shall be maintained at the intersections of driveways and streets and where streets intersect (see Section 11-105 B.).

1. The only planting allowed within the "clear site triangle" is grass, ground cover, or shrubs maintained at 30 inches or less. No trees shall be allowed within the triangle. Foliage from adjacent trees should be cleared and maintained to a height of 6' above the ground surface to insure visibility.
2. Where a driveway intersects a street, the triangle shall be measured 10 feet each way from the point of intersection at the right-of-way (see illustration A).
3. Where a street intersects a street, the triangle shall be measured 35 feet back from the point of intersection of the roadways (see illustration B). A driver should have a clear sight area along the intersecting road from the corner for 250 feet.

### **11-09. Plant Materials Standards**

#### A. Required Size

Minimum plant sizes shall be the following:

1. Deciduous canopy trees shall be a minimum of 2" caliper,
2. Understory trees shall be a minimum of 1½" caliper,
3. Evergreen trees shall be a minimum of 5' height,
4. Shrubs shall be a minimum of 18" in height.

**11-10. Tree Preservation**

A. Developer Responsibility

The developer should make an effort to preserve significant trees of 8" caliper or greater. This may include modifications to the site or building plan, which may be requested by the Planning Commission.

B. Variance

In order to preserve significant trees, a variance may be given to or requested by a developer to aid in site or building plan changes. This shall occur through the Planning Commission.

C. Health

Preserved trees shall be sound and healthy and should not exhibit advanced stages of decay or disease, severe damage to major branches or trunks, broken limbs, lost leaders, topping, or poor pruning.

D. Tree Protection

Tree protection shall be provided for trees in good condition worthy of preservation. Tree protection during construction shall consist of posts, fencing, and flags (see illustration C). There shall be no dumping or storage of construction materials, parking, or change of grade in the tree protection zone. The tree protection zone shall be:

1. The drip-line for trees with a drip-line radius of 20' or less;
2. Trees with a drip-line of 20' or more shall have a minimum tree protection zone of 20' or more as determined by the Planning Commission.

**11-11. Landscaping Regulations for Multi-family, (with more than 3 units), Commercial, and Industrial Sites**

A. Landscaping Requirements:

1. Each acre of landscape surface area (rounded to the nearest whole number) not presently forested shall be landscaped as follows:

Min. Number of Trees/Shrubs

Minimum Size

12 trees  
25 shrubs

2 inch caliper  
18 inches high

2. Credit shall be given toward required trees for trees 2" caliper or larger preserved during construction. For example, a 6" tree shall count as three 2" trees. See following example table.

EXAMPLE

SITE DEVELOPMENT TABLE

Site Acreage	6.1		
Trees Required	6 x 12	=	72 trees
or	72 x 2"	=	144 caliper inches (CI)
Shrubs Required	6 x 25	=	150 shrubs
Trees Preserved	3 trees x 2"	=	6 caliper inches
	2 trees x 6"	=	<u>+12</u> caliper inches
TOTAL CI Preserved		=	18 caliper inches
Trees Required			144" caliper inches
Trees Preserved			<u>- 18"</u> caliper inches
Actual Trees Required			126" caliper inches
Actual Trees Required	$\frac{126" \text{ CI}}{2" \text{ (min. size)}}$	=	63 trees

B. Landscape Zones

1. All site boundaries fronting onto streets shall have a Landscape Zone consisting of an unpaved area planted in grass or mulched with bark. The area shall be landscaped with trees (and shrubs if the developer so desires). The zone shall be a minimum of 10' wide facing 2 - lane streets and 20' wide facing 4 lane streets. This shall be behind the property line between right-of-way and any paving. No parking or structures (except signs) will be allowed in the Landscape Zone. At least one tree for every 30 linear feet or

portion thereof shall be planted in the landscaped strip; however, this shall not be construed as requiring the planting of trees on thirty (30) foot centers.

2. The preferred trees for Landscape Zones facing streets are canopy or shade trees. In the event overhead, underground utilities, or other conditions are present, under story trees may be planted.
3. All site boundaries facing adjacent properties shall have an unpaved Landscape Zone. At least one tree for every 30 linear feet or portion thereof shall be planted in the landscaped strip. A minimum zone five (5') wide shall be provided for parcels less than two (2) acres; a minimum zone to (10') wide shall be provided for parcels two (2) acres or more. The Landscape Zone shall be increased if there is a larger buffer required because of a zoning or land use difference between properties.
4. The preferred trees for Landscape Zones facing adjacent properties are canopy or shade trees and evergreen trees. In the event overhead or underground utilities are present, 1½" caliper under story trees may be planted.
5. In the event the proper number of trees can not be planted in the Landscape Zones because of utilities or site development problems, the trees shall be placed elsewhere on the property.

C. Parking Lot Landscaping

1. Landscaped parking islands shall be provided at the end of all rows of parking. Islands shall intersperse every 12 parking spaces.
2. Parking islands shall be covered with 2-3" shredded bark or turf. Paving or covering islands with rock shall not be acceptable. Landscape parking islands shall have a minimum of 18" deep topsoil and built with a minimum interior width of 5'.
3. One (1) canopy tree per eighteen (18) linear feet of island shall be required. Other landscape materials and under story trees may compliment the island plantings. Where utilities present a problem, under story trees may be substituted for the canopy trees.

D. Screening

1. A 6' height screen shall be planted and/or fence shall be erected between parcels of land with different uses such as commercial and residential, and to screen unsightly elements such as dumpsters, air conditioner units, or storage areas. A landscape screen shall consist of a minimum of 6' height evergreen shrubs or trees planted a maximum of 8' feet on center.
2. Additional screening may be requested at the discretion of the Planning Commission or request of Planning Staff.

**11-12. Tree List**

Recommended Tree List

Ash	Locust (improved varieties)
Beech	Magnolia
Crape Myrtle	Maple
Flowering Crabapple	Oak
Ginkgo (male only)	Spruce
Pine	Sweetgum (improved variety)
Goldenrain Tree	Redbud
Hemlock	Tulip Poplar
Holly	Zelkova
Hornbeam	
Leyland Cypress	
Linden	

## CHAPTER 12

### ENFORCEMENT

#### SECTIONS

- 12-01. Enforcing Officer
- 12-02. Building Permits and Certificates of Occupancy
- 12-03. Penalties
- 12-04. Remedies

#### **12-01. Enforcing Officer.**

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

#### **12-02. Building Permits and Certificates of Occupancy**

##### A. Building Permit Required

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

##### B. Issuance of Building Permit

In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information for determining whether the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the Town of Stanton, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction upon payment of the required fee. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.

1. The issuance of a permit shall in no case be construed as waiving any provisions of this ordinance.
2. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

C. Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use of structure shall be used until the Building Inspector shall have issued a certification of occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certification of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance, or, if such certificate is refused, to state such refusal in writing with the cause.

D. Records

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

E. Permit Fee

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

**12-03. Penalties.**

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

**12-04. Remedies.**

In case any building, structure or land is used, erected, constructed, reconstructed, repaired, converted, or maintained in violation of this ordinance, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be

damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action or proceedings to prevent the occupancy or use of such building.



**CHAPTER 13**  
**BOARD OF ZONING APPEALS**

**SECTIONS**

11-1301	Creation and Appointment
11-1302	Procedure
11-1303	Appeals: How Taken
11-1304	Power

**13-01. Creation and Appointment**

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

**13-02. Procedure**

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

**13-03. Appeals**

An appeal to the Board of Zoning Appeals may be taken by any persons, firm or corporation aggrieved, or by a governmental officer, department, board or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appeals was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or by attorney.

**13-04. Power**

The Board of Zoning Appeals shall have the following powers:

A. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or

enforcement of any provision of this ordinance, or for interpretation of the zoning map or ordinance.

B. Special Exceptions

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

C. Variances

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

1. In granting a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance.
2. Before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood.

**CHAPTER 14**  
**AMENDMENT**

**SECTIONS**

- 14-01. Right to Petition
- 14-02. Application Fee
- 14-03. Procedure
- 14-04. Planning Commission Review
- 14-05. Public Hearing on Proposed Amendment

**14-01. Right to Petition**

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

**14-02. Application Fee**

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

**14-03. Procedure**

Each application shall be accompanied by the following:

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

**14-04. Planning Commission Review**

No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the Planning Commission. If the Planning Commission within sixty (60) days disapproved after such submission, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to become effective. If the Planning Commission neither approves or disapproves such proposed amendment within sixty (60) days after such submission, the action on such amendment by said commission shall be deemed favorable.

**14-05. Public Hearing on Proposed Amendment**

Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Stanton, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than twenty-one (21) days after the date of publication of such notice.

**CHAPTER 15**  
**LEGAL STATUS PROVISIONS**

SECTIONS

15-01. Legal Status Provisions

**15-01. Legal Status Provisions**

A. Conflict with Other Ordinances

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

B. Severability

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

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

C. Effective Date

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



**APPENDIX**

**SITE PLAN CERTIFICATIONS**

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (We), \_\_\_\_\_, hereby certify that I am (we are) the owner(s) of the property shown and described hereon as recorded in Deed Book \_\_\_\_\_ Page \_\_\_\_\_ in the Office of the Register of Deeds, Haywood County, Tennessee and that I (we) adopt this site plan with my (our) free consent, establish the minimum building restriction lines, and dedicate the streets, easements, rights-of-way, rights of access and all areas of public and private use as noted and hereby certify that I am (we are) the owner(s) in fee simple, duly authorized so to act, and that said property is unencumbered by any taxes that have become due and payable.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Title (if a partnership or corporation)

**CERTIFICATE OF SURVEY**

I, \_\_\_\_\_, do hereby certify that I am a Registered Land Surveyor and that I have surveyed the lands, embraced within the plat or map designated as \_\_\_\_\_, a subdivision lying within the corporate limits of Stanton, Tennessee; said plat or map is a true and correct plat or map of the lands embraced therein, showing the property thereof in accordance with the Subdivision Regulations of Stanton, Tennessee. I further certify that the survey of the lands embraced within said plat or map have been correctly monumented in accordance with the Subdivision Regulations of the Town of Stanton, Tennessee.

In witness thereof, I, \_\_\_\_\_, the said Registered Land Surveyor, hereunto set out my hand and affix my seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Registered Land Surveyor  
State of Tennessee  
Certificate No. \_\_\_\_\_

**ERTIFICATION OF COMMON AREAS DEDICATION**

I, \_\_\_\_\_, the property owner, in recording this plat have designated certain areas of land shown hereon as common areas intended for use by the homeowners within subdivision for recreation and related activities. The above described areas are not dedicated for use by the general public, but are dedicated to the common use of the homeowners within the named subdivision. "Declaration of Covenants and Restrictions," applicable to the above named subdivision, is hereby incorporated and made a part of this plat.

\_\_\_\_\_, 20\_\_\_\_\_  
Date Property Owner

**REVIEW OF AVAILABILITY OF UTILITY SERVICES**

I, \_\_\_\_\_, do hereby certify that I have reviewed the proposed Site Plan and certify that electric, gas, public water, public sewer, and serviceable fire hydrants are available.

\_\_\_\_\_, 20\_\_\_\_\_  
Date Public Works Director  
Town of Stanton

**REVIEW OF AVAILABILITY OF ACCESS TO A PUBLIC STREET**

I, \_\_\_\_\_, do hereby certify that I have reviewed the proposed Site Plan and certify that all lots have access to an adopted public way.

\_\_\_\_\_, 20\_\_\_\_\_  
Date Public Works Director  
Town of Stanton

**REVIEW OF WATER, SEWER AND DRAINAGE SYSTEMS PLANS**

I, \_\_\_\_\_, do hereby certify that the water, sewer and drainage systems identified on the plat for this property meet the requirements of the Zoning Ordinance and Technical Specifications of the Town of Stanton and/or a sufficient bond or other surety has been filed to guarantee said installation.

\_\_\_\_\_, 20\_\_\_\_\_  
Date City Engineer  
Town of Stanton

**CERTIFICATE OF ADEQUACY OF STORM WATER DRAINAGE**

I, \_\_\_\_\_, do hereby certify that I am a Professional Civil Engineer, and that I have designed all storm water drainage for this site plan in accordance with the Town of Stanton Zoning Ordinance to assure that, in my professional opinion, neither said property nor the adjoining properties will be damaged.

In witness hereunto, I \_\_\_\_\_, the said Professional Civil Engineer, set out my hand and affix my seal this day of \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Professional Civil Engineer  
State of Tennessee  
Certificate No. \_\_\_\_\_

**CERTIFICATE OF ACCURACY OF ENGINEERING AND DESIGN**

I, \_\_\_\_\_, a professional Civil Engineer, do hereby certify that the plans, engineering and designs governing the construction of this site plan are true and correct, and conform to the requirements set forth in the Zoning Ordinance and Technical Specifications of the Town of Stanton.

In witness where of, I, \_\_\_\_\_, the said professional Civil Engineer, hereunto set out my hand and affix my seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Professional Civil Engineer  
State of Tennessee  
Certificate No. \_\_\_\_\_

**CERTIFICATE OF RECEIPT OF APPROVED WATER AND SEWAGE SYSTEMS PLANS**

I, \_\_\_\_\_, do hereby certify that a set of construction plans dated \_\_\_\_\_ submitted by the developer regarding the water supply and/or sanitary sewers for this property bearing the seal of the Tennessee Department of Environment and Conservation which indicates said plans meet the Department's requirements, have been received.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
City Engineer  
Town of Stanton

**CERTIFICATE OF APPROVAL OF PUBLIC WAYS FOR BOND POSTING**

I hereby certify: (1) that all designated public ways on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Town of Stanton’s Subdivision Regulations, or (2) that a performance bond or other surety has been posted with the Planning Commission to guarantee completion of all required improvements in case of default.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
City Engineer  
Town of Stanton

**REVIEW OF STREETS**

I, \_\_\_\_\_, do hereby certify that: (1) that the streets and drainage facilities have been installed in an acceptable manner and according to technical specifications, or (2) that a surety instrument has been provided to the Planning Commission which would assure completion of all required improvements for this property, in case of default.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
City Engineer  
Town of Stanton

**REVIEW OF NATURAL GAS**

I hereby certify: (1) that the natural gas facilities have been installed in an acceptable manner and according to the technical specifications, or (2) that a surety instrument has been provided to the Planning Commission which would assure completion of all required improvements for this property, in case of default.

\_\_\_\_\_, \_\_\_\_\_  
Date

\_\_\_\_\_  
Brownsville Energy Authority  
Gas Superintendent

**CERTIFICATE OF APPROVAL OF THE SITE PLAN**

I, \_\_\_\_\_, do hereby certify that the Town of Stanton’s Planning Commission approves the site plan, with the exception of any variances as noted in the commission’s minutes, and approve this plat for recording by the Haywood County Register of Deeds.

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Planning Commission  
Town of Stanton