CITY OF THREE WAY
ZONING ORDINANCE
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ARTICLE I

TITLE, INTENT AND PURPOSE

SECTION 1

TITLE

An Ordinance, in accordance with Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the use of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes, and for such purposes to divide the municipality into districts or zones of such number, shape and areas as it may determine, and regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the use of land; to prescribe penalty for the violation of its provisions and to provide for its enforcement.

SECTION 2

INTENT AND PURPOSE

WHEREAS, Sections 13-7-201, through 13-7-210, Tennessee Code Annotated, empowers the city to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Mayor and Board of Alderman of the City of Three Way deems it necessary to exercise the power so granted in order to encourage the most appropriate use of land, to maintain and stabilize the value of property, to secure safety from fire, flood, panic, and other dangers, to lessen traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants, and

WHEREAS, all requirements of Section 13-7-201 through 13-7-210, Tennessee Code Annotated, with regard to the preparation of this ordinance and the subsequent action of the Mayor and Board of Alderman have been met:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF THREE WAY:

ARTICLE II

SHORT TITLE

This ordinance shall be known and cited as the "Zoning Ordinance of the City of Three Way" and will be referred to herein as "this ordinance".

ARTICLE III

DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: the word PERSON includes - a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural and the plural number includes the singular; the word SHALL is mandatory and the word MAY is permissive; the words USED or OCCUPIED includes the words INTENDED, DESIGNED, or ARRANGED TO BE USED OR OCCUPIED: the word BUILDING includes the word STRUCTURE, and the word DWELLING includes the word RESIDENCE, the word LOT includes the words PLOT or PARCEL.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Ordinance. Terms not herein defined shall have the meaning customarily assigned to them:

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

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

AGRICULTURE USE: This includes all forms of agriculture, the growing of crops in the open, dairying, grazing, the raising and maintaining the poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods. The feeding or disposal of community or collected garbage shall not be deemed an agriculture use, nor shall commercial feed lots.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

ALTERATIONS: As applied to a building or structure, means a change or reorganization in the structural parts, or an enlargement, whether by extending on a side or by increasing a height, or the moving from one location or position to another.

APARTMENT: A dwelling unit, including living, cooking and sanitary facilities, in a multiple dwelling.

APARTMENT HOUSE: See dwelling, multiple.

BOARDING HOUSE AND/OR LODGING HOUSE: A building, other than a hotel, where, for compensation and by prearrangement for a definite period, meals or lodging are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUILDING: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals or chattel.

BUILDING, HEIGHT OF: The vertical distance measured from the average ground elevation to the highest point of the roof for flat roofs, to the deck line of mallard roofs, and to the mean heights between eaves and ridge of gable, hip, and gambrel roofs.

BUILDING, MAIN OR PRINCIPAL: 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 a main building on the lot on which it is situated.

CHILD CARE AND/OR DAY CARE: The variety of arrangements made by parents (organizations) for the care outside their home for children under seventeen (17) years of age, for less than twenty-four (24) hour periods. For the purposes of this Ordinance there are three (3) types of child care or day care operations which are further defined as follows:

(1) Family Day Care - A home operated by any person who receives therein a maximum of seven (7) children under seventeen (17) years of age, who are not related to such person and whose parent(s) or guardian(s) are not residents in the same house, for less than twenty-four (24) hours per day for care, without transfer of legal custody. For the purposes of this chapter, the word "related" means the children, step-children, grandchildren, siblings, step-siblings, nieces and nephews of the primary care giver.

(2) Group Day Care Homes - Any facility operated by a person, social agency, corporation or institution, or any other group which receives a minimum of eight (8) and a maximum of twelve (12) children (and up to three (3) additional school age children who will only be present before and after school, on school holidays, and during school summer vacation) for less than twenty-four (24) hours per day for care outside their own homes, without a transfer of legal custody.

(3) Child Care Center - An agency (defined as "day care center" in the law) operated by a person, society, agency, corporation, institution, or religious organization or any

other group which receives thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours a day, without transfer of custody.

CLINIC: An establishment where persons are given medical, dental or surgical treatment as outpatients provided, however, that patients are not kept overnight except under emergency conditions:

CLUB, PRIVATE: Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

COMMERCIAL MOBILE COMMUNICATIONS SERVICES (CMCS) - Common carriers authorized to offer and provide mobile and fixed wireless telecommunications services for hire to the public, including, without limitation, cellular radio telephone and similar services, paging, air to ground, personal communications systems (PCS), specialized mobile radio, enhanced specialized mobile radio services and other such communications providers. These services shall include towers, equipment, and other accessory uses needed to provide the hardware needs of CMCS.

DISTRICT: Any section or sections of the City of Three Way for which the regulations governing the use of land, the density, bulk, height, and coverage of buildings and other structures are uniform.

DWELLING: A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.

DWELLING, MULTIPLE: A building designed for or occupied exclusively by three (3) or more families.

DWELLING, SINGLE FAMILY: A building designed for or occupied exclusively by one (1) family.

DWELLING, SINGLE FAMILY ATTACHED: One of two or more residential dwellings, each of which have primary ground floor access and which are attached to each other by party walls without openings. The term is intended for such dwelling types as duplexes, row houses, and townhouses.

DWELLING, TWO FAMILY: A building designed for or occupied by two (2) families living independently of each other.

DWELLING UNIT: One or more rooms designed as a unit for occupancy by one (1) family for cooking, living and sleeping purposes.

EASEMENT: The right granted by the owner of land to another party, (either public or private) for a specific, limited use of that land. The following are types of easements.

1. Easement, Travel (Residential) - The right granted by the owner of land to another party, by deed or prescription, to allow access across one parcel of land to another. Any easement thus created shall establish and maintain a minimum width of fifty (50) feet in its entirety, have access to a public street or road, serve as access to only one legally recorded lot of record and be permanently recorded in perpetuity. For the purposes of these zoning regulations, any travel easement shall be considered a street whenever: 1) it serves more than one (1) lot; or 2) it serves any lot created through the subdivision process. All streets shall be required to be improved in accordance with specifications outlined in the Three Way Subdivision Regulations as specified herein.

2. Easement, Travel (Commercial & Industrial) - The right granted by the owner of land to another party, by deed or prescription, to allow access across one parcel of land to another. Commercial lots created through the subdivision process may front on said easement without frontage on a public street provided the following conditions exist.

   a. The easement is shown on a plat, recorded in the office of the Madison County Register of Deeds either prior to, or concurrently with the platting of lots being served by said easement.

   b. In approving commercial travel easements, the planning staff shall consider such factors as circulation, access, ingress and egress, parking, as well as maintenance of yard, area and other zoning requirements of any lot(s) affected by said easement.

   c. The development of the parcels involved in the easement agreement shall have been approved by the Planning Commission through the appropriate site plan review process.

   d. The parcels involved in the easement agreement are all served internally by a common parking lot, as would be characteristic of a shopping center without parcels.

   e. An adequate maintenance agreement between the property owners involved, is established for the maintenance of said travel easement.

3. Easement , Utility - The right granted by the owner of land to the public, in form of dedication, to allow utility facilities to be constructed, installed, maintained or preserved. Any easement thus created should be recorded by deed or plat in the Madison County Register's Office. The term utility easement shall include but not be limited to, easements for drainage, water, sewer, electric power lines, gas lines, pipelines, cable television lines or other public utility systems.

FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.

FRATERNITY OR SORORITY HOUSE: A building housing the members of a fraternity or sorority group living together under a cooperative arrangement as distinct from a boarding or lodging house or private club.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than three (3) automobiles, or for a number of automobiles which does not exceed two times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is the greater.

GARAGE, REPAIR: A building in which are provided facilities for the care, servicing, repair, or equipping of motor vehicles.

GROSS LEASABLE AREA: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls. This does not include office buildings in which medical, dental, research and other kinds of special organizations are housed, nor theaters, although it does include banks and other such activities which are a part of shopping centers; parking requirements for these uses shall be based on the regulations set forth in Article VI, Section 14.

HOME OCCUPATION:

HOME OFFICES: An accessory use to a residential dwelling for a business office, where sales or service activities associated with the business, is conducted off premises.

HOSPITAL: An institution providing health services of a medical, surgical or obstetrical nature to ill or injured human patients and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

HOSPITAL, SMALL ANIMAL: An establishment where veterinary treatment and care are provided inside a soundproof, air-conditioned building for dogs, cats, and other small domestic pets.

HOTEL: A building in which lodging, or board and lodging are provided and offered to the public for compensation, and in which egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

JUNK/SALVAGE YARD: Any land devoted primarily to the long term storage, keeping, and abandonment of junk, including scrap metals or other scrap material, or the demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL: Any lot or premises on which four (4) or more dogs, more than six (6) months of age, are kept with or without compensation.

LOADING SPACE: A space within the main building or on the same lot providing for the standing, loading or unloading of trucks.

LOT: For the purpose of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning ordinance requirements for use, coverage and area, and provide such yards and other open spaces as are herein required. Such lot shall have direct vehicular access, or access via a travel easement, to an improved public or private street, as herein defined.

LOT, CORNER: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) non-intersecting streets. If a double frontage lot has no vehicular access to a street frontage, as established by a condition noted on a subdivision plat recorded by the Madison County Register, or where a lot has frontage on a state or federally controlled access highway, then that yard adjacent to the street affording no access shall be considered a rear yard. However, for the purpose of placing advertising signs on a lot all street frontages are considered as front yards.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Registrar of Madison County; or a parcel of land, the deed which was recorded in the office of the County Registrar of Madison County.

LOT WIDTH: The width of a lot shall be determined by measurement across the rear of the required front yard, provided, however, that width between side lot lines at the points where they intersect the street line shall not be less than eighty percent (80%) of required minimum lot width, except in the case of lots in the turning circle of cul-de-sacs.

FACTORY BUILT HOUSING: A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consists of three types: modular homes, mobile homes, and manufactured homes.

1. Manufactured Homes: A residential dwelling, transportable in sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of these regulations the term "manufactured home" does not include "mobile homes" as herein defined. A manufactured home having the same general appearance as a site built home

shall be allowed on individual lots in any residential district provided the following conditions are met:

a. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.

b. The home must be covered with an exterior material customarily used on conventional dwelling. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material must not extend below the top of the foundation. Suitable exterior materials include but shall not be limited to clapboards, simulated clapboards, such as, conventional or metal material, but excluding smooth, ribbed or corrugate metal or plastic panels.

c. The hitches or towing apparatus, axles and wheels must be removed.

d. The roof must be pitched so there is at least a two-inch vertical rise for each twelve (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.

e. The unit must be oriented on the lot so that its long axis is parallel with the street.

f. All such units shall be required to connect to a public utility system which includes, gas, electric, water and sewer in compliance with The Southern Standard Building Code and National Electrical Code.

g. For flood plain management purposes the term "manufactured 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 "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

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

3. Mobile Home: A type of factory manufactured dwelling which is constructed as a single self contained unit and mounted on a single chassis designed to be used with or without a permanent foundation. A mobile home contains the following characteristics:

a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub, or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachments to outside systems.

b. Designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels.

c. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and like.

3. Mobile Home Park: Any area, tract, site or plot of land whereupon a minimum of twenty-five (25) mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

4. 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.

5. Modular Home: A residential dwelling which is a structural unit or pre-assembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off site and transported to the point of use for installation or erection, with or without other specified components, is a finished building and not designed for ready removal to another site.

MOTEL OR MOTOR COURT: A building or group of buildings containing individual living or sleeping units, each having an outside entrance, with a parking space located conveniently to each such unit, for the temporary residence of motorists or travelers.

PARKING LOT, COMMERCIAL: Any lot upon which space for the parking of vehicles is provided for or offered to the general public for compensation.

PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, and shall have direct access to a street or alley. Except on lots occupied by single family and two family dwellings, parking spaces shall be so arranged as to provide for both ingress and egress by forward motion of vehicles using parking spaces.

QUARRY: A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RESTAURANT:

a. Standard Restaurant: A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

(1) Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

(2) A cafeteria-type operation where foods, frozen desserts generally are consumed within the restaurant building.

b. Carry-out Restaurant: A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both the following characteristics:

(1) Foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers.

(2) The consumption of foods, frozen desserts, or beverages within the restaurant building, a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited.

c. Fast-food Restaurant: A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a read-to-consume state for consumption off the premises, and whose design or principal method of operation includes all of the following characteristics:

(1) Foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers.

(2) The restaurants are self-service; customers wait on themselves.

(3) The customers mainly do the busing; they clean up after themselves.

(4) The consumption of foods, frozen desserts, or beverages within A motor vehicle parked upon the premises is discouraged.

d. Drive-in Restaurant: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

(1) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car hop or by other means which eliminates the need for the customer to exit the motor vehicle.

(2) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises outside the restaurant building, is allowed, encouraged, or permitted.

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

SPECIAL EXCEPTION: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning 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. Special exceptions relate only to those uses recorded as "Uses Permitted As Special Exceptions" within the district regulations.

STORY: That portion of a building, other than cellar, included between the surface of any floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET, PRIVATE: A private vehicular way providing access to two (2) or more lots, permitted as a sole means of access to any such lots if the following conditions are met:

(a) Such street shall not serve more than twenty (20) dwelling units.

(b) Such street shall be approved by the Planning Department and the Department of Public Works as adequate in width, design, improvement and location with respect to the lots it is intended to serve, other adjacent lots, and public street intersections.

(c) All easements required are provided in a manner, scale, and location acceptable to the City.

(d) Satisfactory arrangements are made for permanent private maintenance in good condition.

STREET, PUBLIC: A thoroughfare which affords the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground and includes, among other things: stadiums, platforms, radio, television, cellular towers, sheds, fences and display signs.

TRAILER, TRAVEL OR CAMPING: A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

VARIANCE: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardships. As used in this Ordinance, a variance is authorized only for height, area, and size of structure of size of yards and open spaces; establishments or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities of the zoning district or adjoining zoning districts.

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

YARD, FRONT: A yard extending between side lot lines across the front of a lot adjoining a public street, and as in keeping with the following provisions:

a. In the case of through lots, unless the prevailing lot pattern indicates otherwise, front yards shall be provided on all frontages in accordance with the general regulations of the district concerning minimum depth of front yards. However, if a through lot has no vehicular access to a street frontage, as established by a condition noted on a subdivision plat, recorded by the Madison County Register, or where a lot has a frontage on a state or federally controlled access highway, then that yard adjacent to the street affording no access shall be considered a rear yard.

b. In any required front yard, no fences or walls shall be permitted which materially impedes vision across such yard between the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which

materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet.

c. At intersections of two (2) public streets, on corner lots without reserved frontage, a front yard of the depth generally required in the district shall be provided in accordance with the prevailing yard pattern, and a second front yard of half the depth required for front yards generally in the district shall be provided on the public street frontage.

d. In case of corner lots with more than two (2) frontages on public streets, the enforcing officer (Zoning Administrator) shall conform yard requirements adjacent to such streets to yard patterns required on adjacent lots. Yards so provided, where not otherwise specified by these regulations may have at least, the most, or the average of, required front yard depths on adjacent lots.

YARD, REAR: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will no rear yards, but only front and side yards except as prescribed under the definition of "front yard" above, relating to through lots.

YARD, SIDE: A yard extending from the rear line of the required front yard to the rear lot line. In case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half-depth front yards have been established shall be considered side yards.

The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

ARTICLE IV
ESTABLISHING DISTRICTS AND PROVIDING FOR OFFICIAL ZONING MAP

SECTION 1

ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the health, safety, morals or general welfare of the City of Three Way, the Zoning Ordinance is divided into eleven (11) districts, within which are regulated and restricted the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land; the height, number of stories and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards; the density of population; and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

Such regulations have been made with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses and with the view to encouraging the most appropriate use of land throughout the city. The districts are:

A-O Agriculture and Open Land District
RL Low Density Residential District
RM Medium Density Residential District
BN Neighborhood Business District
BH Highway Business District
BP Planned Business District
IL Light Industrial District
IH Heavy Industrial District
F-H Flood Hazard District
O Office District
PRD Planned Residential Development District

SECTION 2

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following city limits shall be construed as following city limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as approximately following the centerlines of streams, rivers, canals or other bodies of water shall be construed to follow such center lines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through F above, the Board of Zoning Appeals shall interpret the district boundaries.

SECTION 3

APPLICATION OF DISTRICTS REGULATIONS

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

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

B. No building or other structure shall hereafter be erected or altered:

1. to exceed the height;

2. to accommodate or house a greater number of families;

3. to occupy a greater percentage of lot area;

4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.

C. No part of any 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 space similarly required for any other building.

D. 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.

SECTION 4

OFFICIAL ZONING MAP

The location and boundaries of the zoning districts established by this Ordinance are bounded and defined as shown on the map entitled "ZONING MAP OF THREE WAY, TENNESSEE". The map is hereby adopted by reference and declared to be a part of this Ordinance.

If, in accordance with the provisions of this Ordinance and 13-7-201 through 13-7-210 Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Mayor and Board of Alderman.

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 change of any nature shall be in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided in Article VIII, Section 5 of this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made public, the Official Zoning Map shall be the final authority as to the current zoning status of lands and buildings, and other structures in the city.

ARTICLE V
SPECIFIC DISTRICT REGULATIONS

SECTION 1

A-O AGRICULTURE AND OPEN LAND DISTRICT

A. GENERAL DESCRIPTION

This district is intended to provide space for agricultural uses and to maintain as permanent open land certain areas subject to periodic inundation. The intent is to permit lands best suited for agriculture to be used for agricultural purposes and to impose only minimum restrictions on the use of land for such purposes. As the need and demand for additional open land suitable for urban development is determined by the Planning Commission, selected portions of this Agricultural and Open Land District may be rezoned for more intensive forms of development.

B. USES PERMITTED

Property and buildings in an A-O Agriculture and Open Land District shall be used only for the following purposes;

1. Agricultural uses and their accessory uses.

2. Detached single-family dwellings.

3. Utility sub-stations, transportation and utility easements, but only after review and approved by the planning commission.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

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

1. Athletic fields, fairgrounds, golf courses, fishing lakes, parks, playgrounds and recreational areas operated by membership organizations for the benefit of their members.

2. Churches and similar places of worship.

3. Cemeteries

4. Lodge hall, private clubs and civic organizations.

D. AREA REGULATIONS

All buildings shall be set back from right-of-way lines, lot lines and property lines to comply with the following yard requirements:

1. Front Yard

   a. All lots fronting on an arterial street shall have a front yard of not less than fifty (50) feet.

   b. All other lots shall have a front yard of not less than thirty-five (35) feet.

2. Side Yard

   a. For dwellings, the minimum depth of side yards shall be twenty (20) feet.

   b. Churches, schools, and other principal and accessory buildings shall be set back from the side lot line a minimum of thirty-five (35) feet.

3. Rear Yard

   There shall be a rear yard for all structures having a depth of not less than twenty-five (25) feet.

4. Land Area

   No farm or other parcel of land shall be reduced in area to provide separate lots or building sites less than five (5) acres, except for other nonresidential permitted uses. However, where there is an existing lot of record of less than five (5) acres, this lot may be used for the development of one (1) single family dwelling. In no case shall property be subdivided, sold or reduced to less than one (1) acre of lot area for any nonresidential use.

5. Maximum Lot Coverage

   The maximum lot coverage shall not exceed twenty-five (25) percent of the lot area.

E. HEIGHT REGULATIONS

No building shall exceed two and one-half (2 1/2) stories, except as provided in Article VI, Section 6.

F. OFF STREET PARKING

As regulated in Article VI, Section 12.

SECTION 2

RL LOW DENSITY RESIDENTIAL DISTRICT

A. GENERAL DESCRIPTION

This district is composed of certain lands and structures in the City having a low density single family residential character and additional open area where it is desirable and likely that such similar development will occur. Portions of these areas are not served by the full range of urban facilities such as sanitary sewers. Uses are limited to single family residences and such nonresidential uses as are intended primarily to provide service to the district.

B. USES PERMITTED

Property and buildings in a RL Low Density Residential District shall be used only for the following purposes:

1. Detached single family dwellings but not including trailers or mobile homes.

2. Utility sub-stations, and transportation and utility easements, but only after review and approval by the Planning Commission.

3. Accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.

4. Agriculture crops, but not the raising of farm animals or poultry.

5. Temporary uses as regulated in Article VI, Section 8.

6. Signs as regulated in Article VI, Section 22 of this Ordinance.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

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

1. Churches or similar places of worship.

2. Cemeteries.

3. Elementary, middle, and/or high schools, public or private.

4. Parks, playgrounds, play fields, neighborhood and municipal buildings, and uses in keeping with the character and requirements of the district.

5. Gold courses, or country club, with adjoining grounds of not less than forty (40) acres.

6. Private Clubs (nonprofit).

7. Customary home occupations as regulated by Article VI, Section 7.

8. Commercial Mobile Communications Services (CMCS), as regulated by Article VI, Section 21.

D. AREA REGULATIONS

1. Front Yard

   a. For dwellings, the minimum depth shall be forty (40) feet.

   b. Churches, schools and other principal and accessory buildings shall have a front yard of fifty (50) feet.

2. Side Yard

   *a. For dwellings, the minimum depth of side yards shall be fifteen (15) feet.

   b. Churches, schools and other principal and accessory buildings, shall be set from the side lot line a minimum of thirty-five (35) feet.

3. Rear Yard

   ** a. There shall be a rear yard for all structures having a depth of not less than thirty (30) feet.

4. Lot Width

   a. For all dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line.

   b. For churches, schools and other principal and accessory buildings shall have a lot width of not less than two hundred (200) feet at the front building line.

5. Lot Area

   a. For each dwelling and building accessory thereto, there shall be a lot area of not less than one (1) acre.

*Approved: 1/6/04
**Approved: 1/6/04

b. For churches and other main and accessory buildings the lot area shall be adequate to provide the yard areas required by this section and the off street parking requirements, provided, however, that the lot area for a church shall be not less than one (1) acre.

6. Maximum Lot Coverage

a. Dwellings and buildings accessory thereto shall cover not more than thirty percent (30%) of the lot area.

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

E. HEIGHT REGULATIONS

No building shall exceed two and one-half (2 1/2) stories, except as provided in Article VI, Section 6.

F. OFF STREET PARKING

As regulated in Article VI, Section 12.

SECTION 3

RM MEDIUM DENSITY RESIDENTIAL DISTRICT

A. GENERAL DESCRIPTION

This district is intended primarily to be single family residential with a medium population density. Additional structures and uses required to serve governmental, educational, religious, noncommercial, recreational, and other immediate needs of such areas are permitted outright or are permissible as special exceptions within such districts, subject to restrictions and requirements intended to preserve and protect the character of the districts.

B. USES PERMITTED

Property and buildings in a RM Medium Density Residential District shall be used only for the following purposes:

1. Any use permitted in an RL Low Density Residential District.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

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

1. Any use permitted as a special exception in a RS Single Family Residential District.

2. Radio broadcast stations consisting of one principal building subject to the following conditions: (1) that such facility is developed in conjunction with existing radio transmitter towers on the premises; (2) such radio broadcast building to be of architectural design in harmony with single-family structures within the immediate area; and (3) otherwise subject to appropriate conditions and safeguards deemed necessary by the Board of Zoning Appeals to preserve and protect the character of the district.

3. Group Day Care Homes as defined herein and regulated in Article VI, Section 10.

4. Commercial Mobile Communications Services (CMCS), as regulated by Article VI, Section 21.

D. AREA REGULATIONS

1. Front Yard

   a. For dwellings, the minimum depth shall be thirty (30) feet.

   b. Churches, schools and other principal and accessory buildings shall have a front yard of fifty (50) feet.

2. Side Yard

   a. For dwellings less than two stories, located on an interior lot, each side yard shall be not less than twelve (12) feet.

   b. Churches, schools and other principal and accessory buildings shall be set back from the side lot line a minimum of thirty-five (35) feet.

3. Rear Yard

   *a. There shall be a rear yard having a depth of not less than twenty (20) feet.

*Approved: 1/6/04

4. Lot Width

*a. For all dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line.

b. Churches, schools and other principal accessory buildings shall have a lot width of not less than one hundred fifty (150) feet at the front building line.

5. Lot Area

a. For each dwelling and building accessory thereto, there shall be a lot area of not less than twenty thousand (20,000) square feet.

b. For churches and other main and accessory buildings the lot area shall be adequate to provide the yard areas required by this section and the off street parking requirements, provided, however, that the lot area for a church shall not be less than one acre.

6. Maximum Lot Coverage

a. Dwelling and buildings accessory thereto shall cover not more than thirty (30%) percent of the lot area.

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

E. HEIGHT REGULATIONS

No building shall exceed two and one-half (2 1/2) stories, except as provided in Article VI, Section 6.

F. OFF STREET PARKING

As regulated in Article VI, Section 12.

*Approved: 1/6/04

SECTION 4

*RM-1 MEDIUM DENSITY RESIDENTIAL DISTRICT

A. GENERAL DESCRIPTION

This district is intended primarily as single family residential for those areas of Three Way that have a full compliment of utilities, public water and sanitary sewer. It is urban in nature and therefore precludes residential development in areas that do not have both public water and sanitary sewer available.

B. USES PERMITTED

Property and buildings in a RM-1 Medium Density Residential District shall be used only for the following purposes:

1. Any use permitted in a RM Medium Density Residential District.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

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

1. Any use permitted in a RM Medium Density Residential District.

D. AREA REGULATIONS

1. Front Yard

   a. For dwellings, the minimum depth shall be thirty (30) feet.

   b. Churches, schools, and other principal and accessory buildings shall have a front yard of not less than fifty (50) feet.

2. Side Yard

   a. For dwellings less than two stories, located on an interior lot, each side yard shall be not less than eight (8) feet.

      For dwellings of two or more stories, there shall be a side yard requirement of twelve (12) feet on each side. However, the side yard requirements for a partial two story dwelling shall be the same as required for a one story on the side or sides of dwelling

*Approved 1/6/04

where the second story setback is at least fifteen percent (15%) of the width of the first floor.

b. Churches, schools, and other principal and accessory buildings shall be setback from the side lot line a minimum of thirty-five (35) feet.

3. Rear Yard

a. There shall be a rear yard having a depth of not less than ten (10) feet.

4. Lot Width

a. For all dwellings thee shall be a minimum lot width of eighty (80) feet at the front building line.

b. Churches, schools, and other principal accessory buildings shall have a lot width of not less than one hundred fifty (150) feet at the front building line.

5. Lot Area

a. For each dwelling and building accessory thereto, there shall be a lot area of not less than twelve thousand (12,000) square feet.

b. For churches, schools, and other principal and accessory buildings the lot area shall be adequate to provide the yard areas required by this section and the off street parking requirements, provided, however, that the lot area for a church shall not be less than one (1) acre.

6. Maximum Lot Coverage

a. Dwellings and buildings accessory thereto shall cover not more than thirty percent (30%) of the lot area.

b. Churches, schools, and other principal and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area.

E. HEIGHT REGULATIONS

No building shall exceed two and one half (2 ½) stories, except as provided in Article VI, Section 6.

F. OFF STREET PARKING

As regulated in Article VI, Section 12.

SECTION 5

BN NEIGHBORHOOD BUSINESS DISTRICT

A. GENERAL DESCRIPTION

This district is established to provide areas in which to meet the needs of the immediate neighborhood. This is a restricted business district, limited to a narrow range of retail service and convenience goods and services. This district is designed for areas where large business operations are undesirable.

B. USES PERMITTED

Property and buildings in a BN Neighborhood Business District shall be used only for the following purposes:

1. Food market including specialty foods such as: bakery goods, delicatessen goods and meats.

2. Drug store including: fountain service, book and reading matter, tobacco, vanity goods and pharmacy.

3. Barber shop and beauty shop.

4. Laundry and dry cleaning collection stations; self-service laundry.

5. Shoe repair service.

6. Professional and business offices as needed to serve the immediate neighborhood.

7. Gasoline service station, provided, that there shall be no major repair work undertaken.

8. Restaurants.

9. Living quarters for owner occupant or manager occupant of business.

10. Carpet Cleaners.

11. Group Day Care Homes and Child Care Centers as herein defined and regulated in Article VI, Section 10.

12. Arts, crafts, sales and related activities.

13. Record stores.

14. Accessory buildings and uses customarily incidental to the above uses.

15. Signs as regulated in Article VI, Section 22.

16. Churches or similar places of worship.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

1. Commercial Mobile Communications Services (CMCS), as regulated by Article VI, Section 21.

D. PROHIBITED USES AND STRUCTURES

All uses and structures not specifically noted. Any additional uses or structures shall not be permitted until this section has been amended as provided in Article VIII.

E. AREA REGULATIONS

The following requirements shall apply to all uses permitted in the district:

1. Front Yard

All buildings shall be set back from the street rights-of-way lines not less than twenty-five (25) feet.

2. Side Yard

On the side of a lot adjoining a residential district there shall be a side yard of not less than twenty (20) feet. There shall be a side yard setback from an intersection of not less than twenty (20) feet. In all other cases, a side yard for a commercial building shall not be required.

3. Rear Yard

There shall be a rear yard, alley, service court or combination thereof of not less than thirty (30) feet.

4. Maximum Lot Coverage

No building or buildings shall cover more than fifty (50) percent of the lot area.

F. HEIGHT REGULATIONS

No building shall exceed two and one-half (2 1/2) stories in height, except as provided in Article VI, Section 6.

G. OFF STREET PARKING

As regulated in Article VI, Section 12.

SECTION 6

BH HIGHWAY BUSINESS DISTRICT

A. GENERAL DESCRIPTION

This highway business district is established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of motor vehicle oriented trade. The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade; and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses.

B. USES PERMITTED

The following uses shall be permitted in the BH Highway Business District:

1. Retail stores, sales and display rooms and shops.

2. Offices.

3. Hotels and motels.

4. Finance, insurance, and real estate services.

5. Personal services including: laundering, dry cleaning, and dying services; photographic services (including commercial); beauty and barber services; alteration and garment repair; fur repair and storage service, shoe repair,

shoe shining, and hat cleaning services.

6. Business services including: advertising services; consumer and mercantile credit reporting services; adjustment and collection services, blue printing and photocopying services; stenographic services; news syndicate services; employment services.

7. Repair services of a minor nature such as: radio and television repair services; watch, clock, and jewelry repair services. No major repair services such as automobile repair services will be permitted

8. Professional services including: medical and other health services; legal services; engineering and architectural services; educational and scientific research services; accounting, auditing, and bookkeeping services; urban and regional planning services.

9. Governmental services including: administrative office activities of the agencies or special authorities involved in governmental functions including the legislature and courts; postal services, civil defense and related activities.

10. Educational services including: vocational and trade schools; business and stenographic schools; barber and beauty schools; air and music schools; dancing schools; correspondence schools.

11. Miscellaneous services including: religious activities; welfare and charitable services, civic, social, and fraternal associations.

12. Amusement, entertainment and recreational establishments. (excluding adult entertainment establishments).

13. Public buildings.

14. Off street parking facilities.

15. Signs as regulated in Article VI, Section 22.

16. Retail establishments including incidental manufacturing of goods for sale at retail on the premises provided, however, that the space devoted to manufacturing does not exceed twenty (20%) percent of the gross floor area of the establishment.

17. Sales and display rooms and lots, but not including yards for storage of new or used building materials or yards for any scrap or salvage operations.

18. Automobile service and repair establishments, including gasoline service stations, repair garages, and automatic car washing establishments.

19. Wholesale and distribution establishments not involving over five thousand (5,000) square feet for storage of wares to be wholesaled or distributed.

20. Small animal hospitals, provided that all animals shall be kept inside soundproof air-conditioned buildings.

21. Linen supply and industrial laundry services and dry cleaning plants.

22. Funeral and crematory services.

23. Food lockers (with or without food preparation facilities).

24. Reupholster and furniture repair services.

25. Other uses and structures which are customarily accessory and clearly incidental to permitted uses and structures and are not of a nature prohibited under "Prohibited Uses and Structures".

26. Souvenir shop, roadside stand, and curio shops.

27. Garden center, greenhouse, and nursery.

28. Mobile home sales and service.

29. Prefabricated and shell house sales.

30. Auction house.

31. Recreational uses, such as: amusement parks, bowling alleys, roller skating rinks, archery ranges, miniature golf courses, golf driving ranges, and other similar recreational uses.

32. Open storage uses shall comply with the following provisions:

    a. All open storage and display of merchandise, material and equipment shall be screened by adequate fencing or evergreen planting at the side and rear of the lot on which said open storage or display occurs.

    b. All of the lots used for parking of vehicles, for the storage and display of merchandise and all driveways shall be constructed and

maintained in such a manner that no dust will be produced by continued use.

c. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

d. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

33. Limited bulk plant gasoline facilities, provided the following conditions are met:

a. All bulk liquids are stored in underground tanks.

b. The handling of bulk liquids must be in conjunction with a gasoline service station, utilizing the same storage tanks.

c. Vehicles used in the redistribution of bulk gasoline shall not exceed a capacity of one thousand five hundred (1,500) gallons.

d. The use must be approved by the Three Way Fire Prevention Bureau and be in accordance with all provisions of the Fire Prevention Code as adopted. In granting approval the Fire Prevention Bureau may impose additional restrictions that may be needed in the interest of the public welfare.

34. Group Day Care Homes and Child Care Centers as herein defined and regulated in Article VI, Section 10.

35. Other uses similar in character to those enumerated above and which in the opinion of the Board of Zoning Appeals will not be injurious to the District.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

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

1. Any use permitted as a special exception use in the BN (Neighborhood Business) District.

2. Mini-warehouses as regulated in Article VI, Section 17.

3. Commercial Mobile Communications Services (CMCS), as regulated by Article VI, Section 21.

D. PROHIBITED USES AND STRUCTURES

The following uses are prohibited in the BH (Highway Business) District:

1. Dwelling units.

2. Manufacturing uses.

3. Junk yards and salvage yards.

4. Bulk storage of flammable materials, except as provided under "Uses Permitted".

5. All uses and structures of a nature that in the opinion of the Board of Zoning Appeals would be injurious to the district.

E. AREA REGULATIONS

The following requirements shall apply to all uses permitted in this district:

1. Lot Area

   a. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than ten thousand (10,000) square feet.

   b. For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the planning commission based on recommendations by the Health Department, but in no case less than ten thousand (10,000) square feet.

2. Front Yard

   All buildings shall be set back from the street right-of-way lines not less than fifty (50) feet. However, if a building or buildings on an adjoining lot or lots provide front yards less than fifty (50) feet in depth, a front yard equal to the average of adjoining front yards may be provided, but in no case shall a front yard be less than twenty-five (25) feet, except with the approval of the Board of Zoning Appeals.

3. Side Yard

The width of any side yard which abuts a residential district, shall be not less than twenty-five (25) feet. In all other cases each side yard shall be not less than twelve (12) feet.

4. Rear Yard

Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be a rear yard not less than thirty (30) feet, the depth of a rear yard which abuts a residential district shall be not less than thirty (30) feet.

5. Lot Width

Each lot shall have a width at the front building line of not less than seventy-five (75) feet.

6. Maximum Lot Coverage

The maximum lot area which may be covered by any principal and accessory building shall not exceed forty percent (40%).

F. HEIGHT REGULATIONS

No building shall exceed ten (10) stories except as provided in Article VI, Section 6 and subject to the following conditions:

1. The maximum height of a structure at the building line shall be two (2) times the distance the structure sets back from the side and rear property lines, not to exceed ten (10) stories.

2. A light plane shall be established as follows:

   a. The plane will extend from the maximum height at the building lines in a forty-five (45) degree angle to intersect a horizontal line drawn at the maximum allowed height of ten (10) stories and parallel with the base ground elevation.

   b. No part of the structure shall extend beyond the established light plane except as provided in Article VI, Section 6.

G. OFF STREET PARKING

As regulated in Article VI, Section 12.

SECTION 7

BP PLANNED BUSINESS DISTRICT

A. GENERAL DESCRIPTION

The purpose of this section is to allow for the development of shopping and commercial centers of integrated design of various sizes to service various areas of the community and region. Land use studies indicate more than ample area and frontage for present and future commercial needs along the major thoroughfares. In addition to area and frontage considerations, however, public convenience, safety and general welfare require that other conditions be met:

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

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

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

B. AREA TO BE CONSIDERED FOR BP ZONING

Two (2) types of land area will be considered for BP zoning:

1. Additions in depth to areas where frontage is already zoned for commercial use; provided, a desirable, integrated design can be assured for the total development.

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

C. USES PERMITTED

Property and buildings in a Planned Business District shall be used only by the uses enumerated below:

1. Any of the following uses shall be permitted:

   Appliance Store

Apparel Store
Bank
Barber Shop
Beauty Shop
Book Store
Camera Shop
Department Store
Drug Store
Delicatessen
Florist Shop
Furniture Store
Gift Shop
Grocery Store
Hobby Store
Hotel
Jewelry Store
Meat Market
Music Store
Office Supply Store
Radio and TV Sales and Service
Restaurant
Self-service Laundry
Shoe Repair Service
Sporting Goods Sales
Specialty Shop
Supermarket
Theater
Variety Store

2. Office Uses

3. Drive-in banks, gasoline service station and automobile service center, provided such use is designed as an integral part of the shopping center development.

4. Accessory buildings and uses customarily incidental to the above uses.

5. Other stores and shops for retail trade or establishments providing personal or professional service which in the opinion of the Planning Commission will not be detrimental to the district.

6. Group Day Care Homes and Child Care Centers as herein defined and regulated in Article VI, Section 10.

D. AREA REGULATIONS

1. Lot Area

The parcel of land on which a planned unit commercial development is located shall not be less than three (3) acres unless it is being incorporated into an existing permanent commercial development or district.

2. Yards

It is intended that the grouping of buildings and parking areas is designed to protect, insofar as possible, residential area, and that screening from noise and light be provided where necessary; provided, however, that in no case shall the design of the shopping center provide less than the following standards:

a. All buildings and their accessory uses shall be set back from all street right-of-way lines not less than twenty-five (25) feet.

b. Where the planned unit commercial abuts a residential district, no building shall be constructed less than twenty-five (25) feet from such district line.

3. Maximum Lot Coverage

Buildings shall not cover more than twenty-five percent (25%) of the site area of a planned commercial development.

E. HEIGHT REGULATIONS

No building shall exceed six (6) stories, except as provided in Article VI, Section 6.

F. PARKING AND ACCESS

1. Each planned commercial development shall provide five (5) parking spaces per thousand (1,000) square feet of gross leasable area.

2. Planned commercial development shall provide additional right-of-way, not to exceed twelve (12) feet in width, for right and left turning lanes if it is determined the estimated traffic volumes require such facilities. Sueh areas if required shall not be included as a part of any required yard area.

G. SCREENING AND LANDSCAPING

The location, size and type of Planned Commercial Development will determine the type and amount of screening and landscaping. In addition to other amenities the planning commission may require the following:

1. Where a planned unit development abuts a residential district the planning commission may require a wall, fence, evergreen hedge, and/or other suitable enclosure to a maximum height of seven (7) feet.

2. A landscape area not exceeding ten (10) feet in depth may be required along all street frontages with this area located parallel to and inside the property line.

3. Once an area has been designated in either the preliminary or final plans as a greenbelt, landscape area, or some other permanent open space, it shall not be encroached upon by any structure of building, nor shall this space be used as area in computing the required parking ration.

4. For additional landscaping requirements, refer to Article VI, Section 18.

H. PROHIBITED USES

1. Storage and display of merchandise outside an enclosed building, except as provided in Article VI, Section 8, 5.

2. All uses not of a nature specifically permitted herein.

I. ADMINISTRATIVE PROCEDURES FOR PLANNED UNIT COMMERCIAL DEVELOPMENT

An application for rezoning for a planned unit commercial development for any area shall include the following, in addition to the administrative requirements set forth in Article VIII, Section 3.

1. The developer, when petitioning rezoning for a planned unit commercial development, shall submit to the planning commission a preliminary site plan of the proposed development which shall be in adequate detail to determine compliance with the provisions of this section, and which shall show the arrangement of buildings, types of shops and stores, design and circulation pattern of the off street parking area, landscaped yards, screening, service courts, utility and drainage easements and facilities; and the relationship of the shopping center development to adjacent areas.

2. The planning commission shall make its review of the petition for rezoning as provided in Article VIII, Section 3.

3. If favorable action is taken by the Mayor and Board of Alderman on the petition for rezoning the developer shall have one (1) year in which to submit construction plans to the planning commission for final approval. If the development is not under construction within one (1) year after the effective date of the planned commercial development rezoning, the planning commission shall review the status of the development, and if it finds the developer cannot proceed immediately with the development, in conformity with the requirements of this section, this fact, and the reason thereof, shall be reported to the Mayor and Board of Alderman. The Mayor and Board of Alderman may, at its discretion, rezone the parcel under consideration to its previous classification.

4. A building permit shall not be issued by the Enforcing Officer until the construction plans have been approved by the planning commission. Approval may be granted to the entire development for construction purposes, or approval may be granted by stages. Following rezoning and prior to the submission of final development plans, a permit may be granted for site preparation only following the approval of the planning commission.

5. Any deviation from the construction plans submitted shall constitute a violation of the building permit authorizing construction of the development. Substantial changes in plans shall be resubmitted to the planning commission to insure compliance with the requirements, purpose, and intent of this section, and no building permit shall be issued for any construction which is not in substantial conformity with the approved plans.

SECTION 8

IL LIGHT INDUSTRIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of this district is to provide for industrial uses with limited objectionable external effects in areas that are suitable for industrial development by reasons of location, topography, soil conditions and the availability of adequate utilities and transportation systems. The intent is to permit most manufacturing, wholesaling, and warehousing activities that can be operated in a clean and acceptable manner, subject only to those regulations necessary to prohibit congestion and for the protection of adjacent residential and business activities.

B. USES PERMITTED

The following uses shall be permitted in the IL (Light Industrial) District. However, all of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be screened in such a manner that no materials stacked or stored will exceed the height of the screen. Any of the following uses shall be permitted:

1. Fabrication, processing, packaging for manufacture of cosmetics, drugs, perfumes, pharmaceuticals and toiletries.

2. Fabrication, processing, packaging for manufacture of food products.

3. Fabrication, processing, packaging for manufacture of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, glass, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, and wood.

4. Fabrication, processing, packaging for manufacture of ice, cold storage plant, or bottling plant.

5. Fabrication, processing, packaging for manufacturing of musical instruments, toys, and novelties.

6. Tool and die shop, wrought iron shop, machine shop.

7. Industrial research laboratories.

8. Motor freight depot or trucking terminal; provided the truck entrances and exits are located on arterial streets or collector level streets, as depicted on the City's Major Route Plan, having direct access to arterial streets.

9. Electrical appliances, and/or electronic equipment assembly or manufacturing.

10. Public utility service yard.

11. Wholesale and warehousing enterprise.

12. Cotton Gin.

13. A retail or service use only where it directly serves or is auxiliary to the needs of industry or employees thereof.

14. Signs as regulated in Article VI, Section 22.

15. Group Day Care Homes and Child Care Centers as herein defined and regulated in Article VI, Section 10.

16. Other uses that are determined by the Board of Zoning Appeals as similar in character to one of the specified uses in this section.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

1. Commercial Mobile Communications Services (CMCS), as regulated by Article VI, Section 21.

D. PROHIBITED USES AND STRUCTURES

The following uses are prohibited in the IL Light Industrial District:

1. All residential uses.

2. Retail uses except as provided under "Uses Permitted".

3. Churches and schools.

4. Yards or lots for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or secondhand building materials.

5. All uses or structures not of a nature specifically permitted herein.

E. AREA REGULATIONS

The following requirements shall apply to all uses permitted in this district.

1. Front Yard

All buildings shall set back from all street right-of-way lines not less than fifty (50) feet.

2. Side Yard

No building shall be located closer than twenty-five (25) feet to a side lot line. However, when the side property line abuts a railroad right-of-way no yard setback shall be required.

3. Rear Yard

No building shall be located closer than twenty-five (25) feet to the rear lot line. However, when the rear property line abuts a railroad right-of-way no setback will be required.

4. Lot Area

Each principal use together with all accessory uses shall be located on a lot having a minimum area of one acre.

5. Maximum Lot Coverage

Generally, main and accessory buildings shall not cover more than forty percent (40%) of the lot area. However, when the principal operation of the facility is devoted to wholesale and/or warehousing and distribution activities, the maximum lot coverage for main and accessory buildings shall not exceed sixty percent (60%).

F. HEIGHT REGULATIONS

No building shall exceed four (4) stories, except as provided in Article VI, Section 6.

G. OFF STREET PARKING

As regulated in Article VI, Section 12.

SECTION 9

IH HEAVY INDUSTRIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of this district is to provide for industrial and other uses that by virtue of their external effects; noise, glare, fumes, smoke, dust, odors, truck and rail traffic, should be isolated from residential uses. These uses perform essential functions for the city and should be provided for in areas that are best suited for industrial development by reason of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

B. USES PERMITTED

The following uses shall be permitted in the IH Heavy Industrial District:

1. Any use permitted in an IL Light Industrial District.

2. Manufacturing of acetylene, or oxygen.

3. Acid manufacturing.

4. Automotive wrecking, junk or salvage yard, if in a completely enclosed building, or the premises on which such use is conducted is entirely enclosed within a solid masonry wall or fence not less than six (6) feet in height.

5. Boiler shops, machine shops, structural steel fabricating shops.

6. Cement products manufacturing.

7. Paint, linseed oil, shellac, turpentine, lacquer or varnish manufacturing.

8. Storage of petroleum, gasoline, or oil.

9. Railroad freight terminal and repair shops.

10. Sawmills.

11. Stockyards.

12. Signs as regulated in Article VI, Section 22.

13. Other uses that are similar in character to one of the specified uses listed above, and any other use of an industrial nature that is otherwise lawful as determined by the Board of Zoning Appeals.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

1. Commercial Mobile Communications Services (CMCS), as regulated by Article VI, Section 21.

2. Adult entertainment and recreation establishments, as regulated in Article VI, Section 19.

D. PROHIBITED USES AND STRUCTURES

The following uses are prohibited in the IH General Industrial District:

1. All residential uses.

2. Churches and schools.

3. All uses not of a nature specifically permitted herein.

E. AREA REQUIREMENTS

The following requirements shall apply to all uses permitted in this district:

1. Front Yard

All buildings shall set back from all street right-of-way lines not less than fifty (50) feet.

2. Side Yard

No building shall be located closer than twenty-five (25) feet to a side lot line.

The width of a side yard which abuts a residential district shall be not less than fifty (50) feet, however, when the side property line abuts a railroad right-of-way no yard setback shall be required.

3. Rear Yard

No building shall be located closer than twenty-five (25) feet to the rear lot line.

The depth of any rear yard which abuts a residential district shall be not less than fifty (50) feet; however, when the rear property line abuts a railroad right-of-way no yard setback will be required.

4. Maximum Lot Coverage

The maximum lot coverage is limited only to the extent that the area, off-street loading and parking requirements of this section have been complied with.

F. HEIGHT REGULATIONS

No building or structure shall exceed four (4) stories, except as provided in Article VI, Section 6.

G. OFF STREET PARKING

As regulated in Article VI, Section 12.

SECTION 10

F-H (SPECIAL FLOOD HAZARD) DISTRICT

A. STATUTORY AUTHORIZATION FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1. 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 Three Way, Tennessee Mayor and Board of Alderman, does ordain as follows:

2. Findings of Fact

a. The Three Way Mayor and Board of Alderman wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

b. Areas of Three-Way are subject to periodic inundation which could result in

loss of life andproperty, 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.

c. These flood losses are caused by the cumulative effect of obstructions in flood plains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damage.

3. Statement of Purpose

It is the purpose of this Resolution 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:

a. Restrict or prohibit uses which are vulnerable to water or erosion hazard, or which cause damaging increases in erosion, flood heights, or velocities;

b. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

c. Control the alteration of natural flood plains, stream channels, and natural protective barriers which accommodate flood waters;

d. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

4. Objectives

The objectives of this Ordinance are:

1. To protect human life and health;

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;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas;

7. To ensure that potential buyers are notified that property is in a floodable area; and,

8. To establish eligibility for participation in the National Flood Insurance Program.

B. DEFINITIONS

For the purpose of Administration of the provisions of this Section, the following definitions shall apply:

ACCESSORY STRUCTURE: Shall represent a subordinate structure to the principal structure and, for the purpose of flood regulations outlined in Article V, Section 9 shall conform to the following:

1. Accessory structures shall not be used for human habitation.

2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

5. Service facilities such as electrical and hearing equipment shall be elevated or flood proofed.

ACT: For the purpose of flood regulations outlined in Article V, Section 9 shall mean the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

ADDITION (to an existing building): Means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

APPEAL: Means a request for a review of the Building Official's interpretation of any provision of this Resolution or request for a variance.

AREA OF SHALLOW FLOODING: Means a designed 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 where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD-RELATED EROSION HAZARDS: Is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

AREA OF SPECIAL FLOOD HAZARD: Is the land in the flood plain 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 rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, AE or A99.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: Means that portion of a building having its floor subgraded (below ground level) on all sides.

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

BUILDING: Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, or structures, store rooms, billboards, signs, gasoline pumps or similar structures whether stationary or moveable. For the purpose of flood plain regulations outlined in Article V, Section 9 of this Resolution, "building" means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "Structure").

DEVELOPMENT: Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING: Means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. For flood plain regulations purposes as outlined in Article V, Section 9 for Zones AE, A, A99, AO, AH, B, C, X, or D. "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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.

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 Resolution.

EXISTING CONSTRUCTION: Any structure for which the "start of construction" commenced before the effective date of this Ordinance.

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, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

EXISTING STRUCTURES: see EXISTING CONSTRUCTION:

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD or FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters:

2. the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD ELEVATION DETERMINATION: Means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY: Means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mud slide)e.i., mud flow) and/or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM): Means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the 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 Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

FLOODPLAIN MANAGEMENT: 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 flood plain management regulations.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have 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: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD-RELATED EROSION AREA: or FLOOD-RELATED EROSION PRONE AREA: A land area adjoining the shore of a lake or other body of water, which due to the composition of the shore line or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

FLOOD-RELATED EROSION AREA MANAGEMENT: The operation of an overall program of corrective and preventive measures of reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

FLOODWAY: The channel of a river or other water course 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 one foot.

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

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of flood plain 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 flood way conditions, such as wave action bridge openings and the hydraulical effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE: 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 repair facilities, but does not include long-term storage or related manufacturing facilities.
HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

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

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   a. By an approved state program as determined by the Secretary of the Interior, or

   b. Directly by the Secretary of the Interior in states without approved programs.

LEVEE: 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: 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: 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 Resolution.

MANUFACTURED HOME: 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: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP: For the purpose of the flood plain regulations of the 100 year flood plain as outlined in Article V, Section 9 of this Ordinance shall mean the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

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

NATIONAL GEODETIC VERTICAL DATUM (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

NEW CONSTRUCTION: Any structure for which the "start of construction" commenced on or after the effective date of this Resolution. The term also includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: 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.

100-YEAR FLOOD: see BASE FLOOD:

PERSON: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

RECREATIONAL VEHICLE: Means a vehicle which is:

1. built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projections;

3. designed to be self-propelled or permanently towable by a light duty truck; and

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

REGULATORY FLOODWAY: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE: Means relating to, formed by, or resembling a river (Including tributaries), stream, brook, etc.

SPECIAL HAZARD AREA: Means an area having special flood, mud slide (i.e., mud flow) and/or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, 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; 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 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: For the purpose of flood plain regulations outlined in Article V, Section 9 of this Ordinance means the agency of state government, or other office designated by the governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state. Presently this agency is the Tennessee Department of Economic and Community Development, Local Planning Assistance Office.

STRUCTURE: Anything constructed or erected, the use of which requires more of less permanent location on the ground or attached to something having a permanent location on the ground and includes among other things stadiums, platforms, radio and television towers, sheds, fences and display signs. For the purpose of flood plain regulations outlined in Article V, Section 9 of this Ordinance, "structure" means a walled or roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructure.

SUBSTANTIAL DAMAGE: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. 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 identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

VIOLATION: For the purpose of flood plain management regulations outlined in Article V, Section 9 means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: Means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

C. GENERAL PROVISIONS

1. Application

This Chapter shall apply to all areas within the incorporated area of Three-Way , Tennessee.

2. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified on the Madison County, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470113 000 435; Effective Date: January 21, 1998 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the Three Way, Tennessee Zoning Map.

3. Requirement for Development Permit

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

4. Compliance

No 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.

5. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

6. 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 the state statutes.

7. 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 flood hazard areas or uses flood damages. This Ordinance shall not create liability on the part of the City of Three Way, Tennessee or by any officer of employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

8. 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 or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Three Way, Tennessee from taking such other lawful actions to prevent or remedy any violation.

D. ADMINISTRATION

1. Designation of Building Inspector

The Building Inspector is hereby appointed to administer and implement the provisions of this Ordinance.

2. Permit Procedures

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

a. Application Stage

i Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings. *

ii Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.*

iii Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section I4 (D)(2)(b), where base flood elevation data is available.*

iv Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

*(see b. below)

*b. Construction Stage

Within numbered AE and A zones, where flood elevation data are not available, the Building Inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to established reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Inspector shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Duties and Responsibilities of the Building Inspector

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

a. Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

b. Advice to permitee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.1334.

c. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

d. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Section 17 (D)(2)(b).

e. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially

improved buildings have been flood-proofed, in accordance with section 17 (D)(2)(b).

f. When flood-proofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Section 17 (D)(2)(b).

g. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection F below.

h. When base flood elevation data or flood way data has not been provided by the Federal Emergency Management Agency then the Building Inspector shall obtain, review, and reasonably utilize, any base flood elevation and flood way data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this Section.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Inspector shall require the lowest floor of a building to be elevated or flood proofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Subsection B of this Section). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Subsection D(2) of this Section.

i. All records pertaining to the provisions of this Resolution shall be maintained in the office of the Building Inspector 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.

j. Assure that the flood carrying capacity within an altered or relocated portion if any water course is maintained.

E. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. General Standards

In all flood prone areas the following provisions are required:

a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;

b. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This

standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

e. 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;

f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

g. New and replacement sanitary sewage systems shall be designed to inimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

i. Any alteration, repair, reconstruction, or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Section; and

j. Any alteration repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Section and provided said nonconformity is not extended.

2. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory flood way, as set forth in Subsection E(2) of this Section, the following provisions are required:

a. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Subsection E(2)(c) of this Section.

b. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one

(1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Inspector as set forth in Subsection D(2)(b) of this Section.

c. Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, 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.

   i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

      1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

      2. The bottom of all openings shall be no higher than one foot above grade; and

      3. Openings may be equipped with screens, louvers, valves or other covering or devices provided they permit the automatic flow of floodwaters in both directions.

   ii. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area stairway or elevator); and

   iii. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Subsection E(2) of this Section.

d. Standards for Manufactured Homes and Recreation Vehicles

   i. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

ii. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

1. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

2. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

3. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, or manufactured home placed or substantially improved must meet the standards of Subsection E(2)(d)(ii)(1 and 2) above.

iii. All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 180 consecutive days:

2. Be fully licensed and ready for highway use; or

3. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Subsection E(2)(d)(i) or E(2)(d)(ii)(1 and 2) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

3. <u>Standards for Areas of Special Flood Hazard Zones A1-30 and AE With Established Base Flood Elevation But Without Flood ways Designated</u>

Located within the areas of special flood hazard established in Subsection C(2) of this Section, where streams exist with base flood data provided but where no flood ways have been provided, (zone AE) the following provisions apply:

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

b. New construction or substantial improvements of buildings shall be

elevated or flood-proofed to elevations established in accordance with Subsection C(2) of this Section.

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

Located within the areas of special flood hazard established in Subsection C(2) of this Section, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' to 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

a. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,

b. All new construction and substantial improvements of nonresidential buildings shall:

   i have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,

   ii together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and affects of buoyancy.

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

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

Located within the areas of special flood hazard established in Subsection C(2) of this Section are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

a. All provisions of Subsection D and provisions 1 and 8 of Subsection E of this Section shall apply.

6. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation and With Flood ways Designated

Located within the areas of special flood hazard established in Subsection C(2) of this Section, where streams exist with base flood data and flood ways provided, the following provisions apply:

a. No encroachments, including fill material, new construction, substantial improvements, or any other developments shall be located within designated flood ways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

b. If Subsection E(6)(a) above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Subsection E(2) of this Section.

7. Standards for Unmapped Streams

Located within Three-Way , Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or flood ways have been provided. Adjacent to such streams the following provisions shall apply:

a. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice (2x) the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

b. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Subsection D(2)(b) of this Section.

8. Standards for Subdivision Proposals

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

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

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

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

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

F. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of special flood hazard.

1. Board of Zoning Appeals

a. The Three-Way Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section.

b. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

c. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

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

ii The danger to life and property due to flooding or erosion;

iii The susceptibility of the proposed facility and its contents to flood damage;

iv The importance of the services provided by the proposed facility to the community;

v The necessity of the facility to a waterfront location, in the case of functionally dependent facility;

vi The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

vii The safety of access to the property in times of flood for ordinary and emergency vehicles;

viii The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

ix The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

d. Upon consideration of the factors listed above, and the purposes of this Ordinance, The Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.

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

2. Conditions for Variances

a. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

b. Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship; and (3) 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.

c. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

d. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 11

O (OFFICE) DISTRICT

A. GENERAL DESCRIPTION

This district is intended to create areas which are primarily limited to offices and service uses. Unlike other commercial and office districts, retail trade and residential uses are prohibited. This is a restricted district, which is designed to limit impacts normally associated with commercial development, on surrounding residential areas.

B. USES PERMITTED

Property and buildings in the O (Office) District shall be used only for the following purposes:

1. Business, administrative, research, professional, medical, health and governmental offices;

2. Banks, financial and investment services;

3. Business service including: advertising services, customer and mercantile credit reporting services, adjustment and collection services, stenographic services, news syndication services, employment services;

4. Real estate and insurance offices;

5. Business and management consultant services;

6. Planning, surveying, engineering and architectural offices;

7. Accounting, auditing and bookkeeping offices;

8. Building contractor's office, excluding storage of contractors building materials or equipment;

9. Detective and protective services;

10. Business associations, professional membership associations, labor organizations, and other civic, social and fraternal organizations;

11. Signs as regulated in Article VI, Section 22.

C. USES PERMITTED AS SPECIAL EXCEPTIONS

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

1. Churches, schools and other public and semi-public uses;

2. Group day care homes and child care centers, as herein defined and regulated in Article VI, Section 10;

3. Funeral and crematory services;

4. Telecommunications and utility services excluding open storage of equipment for said services;

5. Commercial Mobile Communications Services (CMCS), as regulated by Article VI, Section 21.

6. Other offices deemed similar in nature as determined by the Board of Zoning Appeals.

D. PROHIBITED USES AND STRUCTURES

1. Retail trade, residential uses and other uses not of a nature specifically permitted herein.

E. AREA REGULATIONS

The following requirements shall apply to all uses permitted in the Office District.

1. Front Yard

   All buildings shall be set back from street right-of-way lines not less than thirty-five (35) feet. There shall be a setback from street right-of-way lines of at least ten (10) feet for any parking lot.

2. Side Yard

   There shall be a side yard setback of at least twenty (20) feet.

3. Rear Yard

   There shall be a rear yard setback of at least twenty (20) feet.

4. Maximum Lot Coverage

   No building or buildings shall cover more than thirty-five percent (35%) of the lot area.

F. HEIGHT REGULATIONS

No building shall exceed four (4) stories except as provided in Article VI., Section 6.

G. OFF-STREET PARKING

As regulated in Article VI, Section 12

H. LANDSCAPING AND SCREENING

1. A landscape area of at least ten (10) feet in width will be required along all street frontage, located parallel to and inside the property line.

2. Where any part of this district abuts a residential district the following shall be required:

   a. A landscaped buffer area with a minimum width of fifteen (15) feet.

   b. A fence with a minimum height of six (6) feet, the type and design to be approved by the planning commission or its authorized agent.

3. All required yards as indicated and other existing open space shall be landscaped and maintained in such a manner as to provide a park-like setting for the district.

4. For additional landscaping requirements, refer to Article VI, Section 18

I. ADMINISTRATIVE PROCEDURES FOR OFFICE DISTRICTS

1. When petitioning rezoning for an Office district, the petitioner shall submit to the Planning Commission a preliminary site plan of the proposed development which shall be in adequate detail to determine compliance with the provisions of this section. An Office District shall be of such size, shape, and location as to enable development of well organized commercial facilities with proper access to streets, ingress and egress, off-street parking and loading space, and other requirements and amenities.

2. In those instances where an office development is designated as an integrated unit, to be developed based on a predetermined plan, a final site plan must be submitted to and be approved by the Planning Commission prior to the issuance of a building permit. It is recognized that an office district may also develop as a subdivision with uses being on separate lots rather than as an integrated unit. In this instance it is also required that prior to the issuance of any building permit, a final site plan must be submitted to and be approved by the Planning Commission. Both the site plan for an integrated unit and those for individual lots shall conform to the requirements of this section and show as a minimum:

   a. The proposed development's name and location, the name(s) and address(es) of the owner (s) and the name of the designer of the plot plan.

   b. Date, north point and scale.

   c. The location of existing and platted property lines and any existing streets, buildings, public utility easements or lines, etc.

   d. The locations and dimensions of proposed streets, easements and lot lines.

   e. The proposed types of uses and their locations in the development, heights of buildings, arrangements of structures, proposed lot coverage, yards and open spaces.

   f. A drainage plan with maps showing the proposed drainage of the development site and adjacent area.

   g. Proposed off-street parking with landscaped islands and parking tiers shown.

   h. Landscaping and screening.

   i. Location, size, design and type of sign (s) to be used in the development.

   j. Exterior architectural design of buildings.

   k. Other information as may be required by the Planning Commission.

Approval may be granted to the entire development for construction purposes or approval may be granted by phases. Following rezoning and prior to the

submission of final development plans, the Planning Commission may authorize the granting of a permit for site preparation.

Any unauthorized deviation from the final site plan as approved by the Planning Commission shall constitute a violation of the building permit. In such cases where revisions would constitute a minor change in the final site plan, the Planning Director shall have the authority to authorize such changes. In all instances where a substantial change is requested or where there is any question of magnitude or consequence of the proposed revision, the final site plan shall be submitted to the Planning Commission for approval.

SECTION 11

PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

A. GENERAL DESCRIPTION

The purpose of this section is to provide for greater flexibility in the development of residential areas. These areas would be characterized by a unified building plan and site development plan. They would have a program, which takes into account the efficient and economical use of land while providing a harmonious variety of housing choices, a higher level of urban amenities, and would preserve the natural scenic quality. It is further intended that an economics in land development and maintenance, street systems, and utility networks will be achieved; while providing for building groupings for privacy, usable attractive open spaces, safe circulation patterns, and the general well being of the residents.

B. DEFINITIONS

1. Base Zoning District - The zoning of the property prior to the establishment of the PRD.

2. Conditional Zoning - The attachment of special conditions to a rezoning which are not spelled out in the text of this ordinance. Along with the devices to insure compliance it may bind the developer to the conditions through filing a covenant.

3. Covenant - A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded. They can be used in rezoning restrictions to bind the land owner to use his property in a specific manner.

4. Density - The number of dwelling units permitted in a development.

5. Gross Land Area - All of the land area involved in the PRD.

6. Flexible Regulations - Regulations which apply general standards to property with final decisions made shortly before redevelopment occurs. This has been a long-standing practice under subdivision regulations and increasingly is being applied under zoning. The intent is to widen the range of options available to developers and thereby lead to a better design. They recognize that the appropriate use for every parcel cannot be predetermined as a result policies and criteria for decision making are established often through performance standards, rather than specified uses and standards. Under most

flexible techniques, public officials or bodies have discretion in their decisions and frequently negotiate with developers before final approval is given. Thus while development options are broad, development permission, once granted may be quite narrow. Among flexible zoning devices are: floating zones, overlay zones, and PUDs (Planned Unit Developments).

7. Net Land Area - The gross land area minus the area set aside for streets, drives, and parking.

8. PRD - Planned Residential Development.

9. Site Plan - A plan drawn to scale showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes, at a minimum, lot lines, streets, building sites, reserved open space, buildings, topography, location of existing and proposed utility lines, and etc.
10. Zero Lot Line - A development approach in which a building is sited on one or more lot lines with no yard. It is possible for three or four sides of the building to be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

C. USES PERMITTED

1. All residential uses are permitted in the PRD subject to the approval of the Mayor and Board of Alderman. Each development proposal shall be evaluated on its own merits and no PRD shall be considered as setting a precedent. The applicant shall submit the intended residential use to the Mayor and Board of Alderman and they shall determine if it is appropriate for the area. No residential uses are excluded from consideration. No uses are permitted outright, and are subject to review and prior approval. The Mayor and Board of Alderman may require a deed covenant to enforce the approved uses.

2. Churches, schools, parks, playgrounds, and communitybuildings.

3. Accessory uses and buildings customarily incidental and subordinate to the above.

D. AREA REGULATIONS

1. Required Yard Areas

   The regulations governing the base zoning district shall apply for all yard requirements. The Mayor and Board of Alderman may permit zero lot lines.

2. Lot Width

   a. All lot widths for residential dwelling units shall be determined on the site plan.

   b. All other uses shall have a minimum lot width of one hundred (100) feet at the front building line.

3. Density

   a. The number of dwelling units permitted in the PRD shall be determined by the following formula:

      A = Gross Land Area

      B = Base Zoning District (The following densities shall be used for the appropriate base zoning districts.)

      FAR = 1 unit/acre
      FR = 2 units/acre
      MR = 4 units/acre

      N = Number of dwelling units permitted.

      A x B = N

   b. All other uses shall be governed by the regulations established for the base zoning district.

4. Maximum Lot Coverage

   A maximum of thirty percent (30%) of the gross land area can be covered by the principal and accessory structures.

E. OFF-STREET PARKING

As regulated in Article VI, Section 12

F. SCREENING

Fencing may be required by the Planning Commission if deemed appropriate. All fencing shall be of a wood, masonry material, and/or wrought iron.

G. ADMINISTRATION PROCEDURES FOR PLANNED RESIDENTIAL DEVELOPMENT

In establishing a Planned Residential Development District in accordance with this section the following shall be required:

1. Pre submission conference with the Planning Staff;

2. Compliance with Article VIII, Section 3 of the Zoning Ordinance;

3. A comprehensive site plan containing the following:

   a. Name of the development.
   b. Name and address of developer.
   c. Name, address and telephone number of designer.
   d. Date, north arrow, and scale.

e. Location of existing property lines, streets, buildings, easements, and utility lines.
f. Location and dimensions of proposed streets, easements, utilities, structures and lot lines.
g. Proposed land uses and their locations.
h. Off-street parking.
i. Recreational areas.
j. Existing and finished contours.
k. Any other information as may be required by the Planning Commission.

4. Architectural Elevations;

5. Restrictive Covenants;

6. Homeowners association agreements and bylaws when applicable.

H. Every Planned Residential Development District approved under these provisions shall be considered as an amendment to the zoning ordinance. In approving the PRD District the Mayor and Board of Alderman may impose conditions relative to the standard of development. Those conditions shall be complied with before a building permit or certificate of occupancy is issued for the use of the land and/or any structure which is part of the said district and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a building permit and/or certificate of occupancy.

I. All PRDs approved in accordance with the provisions of this Ordinance in its original form or by subsequent amendments shall be referenced on the Official Zoning Map and a list of such PRDs together with the category of uses permitted shall be maintained in the Appendix of this Zoning Ordinance.

J. If favorable action is taken by the Mayor and Board of Alderman on the petition for rezoning the developer shall have one (1) year after the effective date of the PRD district rezoning to start construction. If construction has not been started in that time period the developer has one (1) month from the end of the time period to submit the PRD for reapproval. If the developer does not resubmit the PRD, the property shall automatically revert to the original zoning classification.

K. Any unauthorized deviation from the approved site plan shall constitute a violation of the building permit authorizing construction of the development. In such cases where revisions would constitute a minor change in the site plan, the Planning Director shall have the authority to authorize such changes. In all instances where a substantial change is requested or where there is any question of the magnitude or consequence of the proposed revision, such revisions shall be submitted to the Planning Commission and Mayor and Board of Alderman for approval.

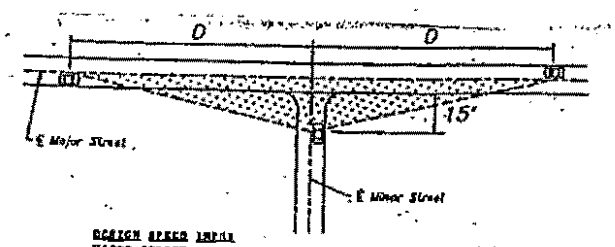
ARTICLE VI
REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL, OR TO ALL DISTRICTS

SECTION 1
CORNER LOTS IN RESIDENTIAL DISTRICTS

Where corner lots in residential districts are platted in such a manner as to change the normal yard patterns along either of the intersecting streets, the required front yard shall be provided across the end of the lot fronting on the street, and a yard equivalent to at least half of the front yard requirements, shall be provided along the full length of the lot on the side toward the intersecting street. No portion of any main or accessory building shall encroach on this yard.

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots. In addition, the following standards should be maintained with respect to development of corner lots at street intersections:

Proposed intersections should not be situated on a shortcrest vertical curve, or on a sharp horizontal curve. The following figure and table specify the required sight distance at proposed intersections with the minor street under stop control. This applies to intersections which the major street is classified as collector or arterial and/or average daily traffic is greater than or equal to 1000 vehicles per day.



Corner sight distance (D) measured from a point on the minor road centerline at least 15 feet from edge of the major road pavement and measured from a height of eye at 3.50 feet on the minor road to a height of object at 4.25 feet on the major road.

Where stop control is not used, the corner sight distance for local streets shall be a minimum of 200 feet and desirable should be 300 feet or more.

SECTION 2

FENCES, WALLS AND HEDGES

In any district, notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard. However, in any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one-half (21/2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and one-half (21/2) feet and ten (10) feet.

SECTION 3

PROJECTIONS INTO REQUIRED YARDS

A. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, chimneys, stoops, butteresses and other ornamental and architectural features, provided however, that such features do not project more than three (3) feet into any required yard.

B. An open unroofed porch may project into a required front yard for a distance not to exceed ten (10) feet and into a side yard to a point not closer than five (5) feet from any side lot line.

C. Projections of any nature are prohibited in all easements except approved by the agency affected, i.e., Jackson Energy Authority, City of Three Way.

SECTION 4

NUMBER OF BUILDINGS ON EACH LOT

In any residential district only one (1) principal building together with its customary accessory buildings shall hereinafter be erected on any one (1) lot, except as provided herein.

In any commercial or industrial district more than one (1) principal building may be erected on one (1) lot, provided that the parking requirements, lot area, yard and other requirements of the district can be met. A plot plan, drawn to scale showing the location of existing and proposed buildings, ingress and egress, parking requirement, and other information as needed must be presented to the Board of Zoning Appeals for approval.

SECTION 5

LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall be subject to the following regulations:

A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations applicable to the main building.

B. Accessory buildings shall not be erected in any required front yard.

C. Accessory buildings shall not cover more than thirty percent (30%) of any required rear yard.

D. Accessory buildings shall not be located:

1. Closer than five (5) feet to any principal building;
2. Be nearer the front setback line than the principal building; and
3. Residential accessory structures shall not be located closer than three (3) feet to any side or rear property line except as provided herein. All other accessory structures shall not be erected in any required yard.

In those instances where the rear or side lot line adjoined any alley right-of-way; a residential accessory structure may be permitted to locate up to one (1) foot from said alley. In no instance shall an accessory building be located within a dedicated easement.

E. Residential accessory buildings shall not exceed one and one half (1 1/2) story or twenty (20) feet in height. All other accessory buildings may be constructed to equal the permitted maximum height of structures in said district.

SECTION 6

EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations contained in this ordinance shall not apply to:

A. Churches, schools, hospitals, sanitariums and other public and semi-public utility buildings. There shall be no restrictions on the height of such buildings, provided the front, side and rear yards required in the district in which such building is to be located shall be increased an additional one (1) foot for each one (1) foot that the building exceeds the maximum height permitted in the district.

B. Barns, silos or other farm structures when located on farms; belfries, cupolas and domes; monuments; water towers; transmission towers, windmills, chimneys, smoke stakes; flag poles; radio towers, mast and aerials.

C. Bulkhead, elevator penthouses, water tanks, and scenery lofts and similar structures provided that such structures shall not cover more than twenty-five percent (25%) of the total roof area of the building on which such structures are located.

SECTION 7

CUSTOMARY HOME OCCUPATION

This section defines customary home occupations and prescribes the conditions under which such occupations shall be permitted.

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

*B. The following occupation, subject to the requirements of the above paragraph, are permitted as customary home occupations:

1. Artist, sculptor, author;
2. Dressmaker, milliner, seamstress, tailor;
3. Teaching, including tutoring, musical instructions or dancing, but limited to two (2) pupils present for instructions at any given time.
4. Home offices.
5. Beauty Shops/Barber Shops.

*C. Prohibited: Dancing instruction and musical instruction in groups, tearooms, tourist homes, and stores, trades, professions, or business of any kind not herein accepted shall not be deemed to be home occupations.

D. Nothing in this section shall mean the discontinuance of an existing lawful home occupation, but henceforth they shall be governed by Article VII, Section 5.

Approved: May 8, 2001

SECTION 8
TEMPORARY USES

A. In any district, subject to the conditions stated below, the Zoning Administrator may issue a permit for a temporary use. Application for a Temporary Use Permit shall be made to the Zoning Administrator and shall contain the following information:

   1. Sufficient information necessary to accurately portray the property to be used, rented, or leased for a temporary use;

   2. A description of the proposed use; and

   3. Sufficient information to determine the yard requirements, setbacks, sanitary facilities, and availability of parking space to service the proposed use.

B. The following uses are deemed to be temporary uses and shall be subject to the regulations which follow:

   1. Temporary building or yard for construction office, material or equipment, provided such use is adjacent to the construction site and is adequately equipped with sanitary facilities and removed when construction is completed. A permit shall be valid for the duration of building construction but every temporary use shall be removed when construction is completed or discontinued for more than sixty (60) days.

   2. Real Estate Sales Office. A Temporary Use Permit may be issued in any new approved subdivision. Such permit shall be valid for not more than one (1) year, but, may be renewed for a maximum two (2) one (1) year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the permit, whichever occurs first.

   3. Circus or Carnival. In any nonresidential district, a permit may be issued for a circus or carnival, but no such permit shall be issued for a period longer than fifteen (15) days.

   4. Religious service, show, exhibition and other gatherings under tent or in open. A Temporary Use Permit may be issued for a period of time not exceeding twenty-one (21) days, except that no permit shall be issued if the use is located within four hundred (400) feet of any residential area unless there is first filed with the Zoning Administrator the written consent of the owners of sixty percent (60%) of all residential property within four hundred (400) feet from the place of such meeting.

5. Open Storage and Display of Seasonal Items. A Temporary Use Permit may be issued for a period of thirty (30) days, sixty (60) days, or ninety (90) days in a BP (Planned Business) District provided that:

   1) Sufficient information is given to determine where the storage and display will be performed;

   2) Sufficient information is given to determine that parking and traffic flow will not be adversely affected by the location of open storage and display; and

   3) Sufficient information is given to determine that yard requirements, setbacks and other zoning requirements are being complied with.

   The open storage and display of seasonal items cannot exceed ninety (90) days within the calendar year the permit is issued. The application fee is as follows: 30 days - $25.00; 60 days - $50.00; and 90 days - $75.00.

SECTION 9

FALLOUT SHELTER

Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the building setback, yard, and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use, shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

SECTION 10

STANDARDS FOR CHILD CARE FACILITIES

Child care for seven (7) children or less, including Family Day Care Homes as defined herein and by the Tennessce Department of Human Services are not regulated under the Three-Way Zoning Ordinance and are therefore permitted by right subject to obtaining applicable licensing from the State of Tennessee.

Child care for eight (8) or more children, including Group Day Care Homes and Child Care Centers, as defined herein, and as defined, licensed and regulated by the Tennessee Department of Human Services, and permitted, either by right or on appeal, under this ordinance shall be required to meet the following minimum conditions:

1. Total lot area shall not be less than 20,000 square feet.

2. An adequate fenced play area shall be provided in accordance with Tennessee Department of Human Services requirements.

3. No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor closer than fifty (50) feet to any public street.

4. A screening, either vegetative or masonry wall, shall be provided between fenced play areas and residential lot lines in such locations as the Board may direct.

5. All outdoor play activities shall be conducted within the fenced play area.

6. Off-street parking for the facility shall be provided as specified in Article VI, Section 14 of this Ordinance.

7. Access to the facility from nearby streets shall be adequate, as determined by the City Engineer, to insure safety based upon the number of participants projected to attend the facility.

8. For landscaping requirements, refer to Article VI, Section 20.

9. In addition to the requirements above, the facility's operation and maintenance shall meet the licensing requirements of the Tennessee Department of Human Services.

SECTION 11

GARAGES FOR SALES; STORAGE AND SERVICE; SALES LOTS FOR NEW OR USED MOTOR VEHICLES; PARKING LOTS; SERVICE STATIONS; AND SIMILAR STRUCTURES AND USES

The following limitations shall apply to structures and uses involving the servicing, storage repair, or sales of motor vehicles:

A. No public street, parking area, sidewalk or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments except for normal parking by individual private owners of operators of such vehicles.

B. No operation in connection with such establishments shall be carried on in a way which impedes free flow of vehicular of pedestrian traffic in normal courses on public ways.

C. All motor vehicles being handled, stored or repaired by such establishment shall be maintained in such condition that they may be moved under their own power at any time except such vehicles as may be under repair in garages or other buildings as provided in item D, below.

D. No repair of motor vehicles or parts thereof, shall be made except within garages, service stations, body shops or other buildings used for such purposes.

SECTION 12
MINIMUM OFF STREET PARKING REQUIREMENTS

A. PURPOSE STATEMENT

The following provisions on accessory off street parking are adopted in order to provide parking spaces off all public ways for all employees at their place of work and for customers, to reduce congestion caused by parking on public ways, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial and industrial centers, to protect the character of neighborhoods, to provide for higher standards of residential, commercial and industrial development and thus to promote and protect the public health, safety and general welfare.

B. GENERAL PROVISIONS

1. In any district there shall be provided at such time any building or structure is erected or enlarged or increased in capacity adequate off street parking spaces for automobiles. No Certificate of Occupancy shall be issued prior to the construction and approval of required off street parking spaces as prescribed herein.

2. With the exception of required spaces for single family and two family dwelling units, adequate on-site turning space shall be provided so that no vehicle will be required to back into the street.

3. Each required parking space, with the exception of parking for single family and two family dwellings, shall be fully marked by visible painted lines on the paved surface extending the full length of the space.

4. Parking areas and loading facilities shall be maintained by the owner or leasee in a clean and orderly condition and free of debris and other foreign substances. Parking and loading areas shall be properly maintained and pavement markings periodically repainted and on-site traffic signs properly maintained, as necessary to maintain a clear identification of individual parking spaces and to facilitate the safe movement of pedestrian or automobile traffic.

5. The storage of merchandise, motor vehicles for sale, or the repair of vehicles on required off street parking facilities is prohibited.

6. Parking spaces provided to meet the requirements of this section shall not be reduced in size or number, modified, eliminated or assigned to another use at the same time, except as allowed by these regulations.

7. When several uses occupy more than one building on a lot, the total required parking shall be the sum of the requirements of the individual uses.

8. Minimum pavement specification of aisles, driveways, and parking spaces shall conform to the following:

   a. **Concrete:** If concrete is used as a pavement, the minimum thickness shall be four (4) inches for residential structures and five (5) inches for all other uses.

   b. **Bituminous:** If a bituminous mix is used for pavement, the minimum thickness shall be four (4) inch compacted crushed stone base with a 1 1/2 inch asphalt surface for residential use and a six (6) inch compacted crushed stone base with a two (2) inch compacted asphalt surface for other uses.

9. If the required automobile parking spaces cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals, may, as a special exception, permit such spaces to be provided on other off street property provided:

   a. Such space lies within three hundred (300) feet of the main entrance of such principal use.

   b. The property where the spaces are to be located is not in a RL and RM zones. Parking may be extended into RM zone in accord with Article VI, Section 12 of this Ordinance.

   c. Such space is not separated from the principal use by a collector or arterial street as designated on the Major Route Plan, and is located on the same street as the principal use.

   d. Such spaces shall not exceed twenty-five percent (25%) of the required parking spaces.

10. As an option for the developer, required off street parking spaces may be shared cooperatively by two or more non-residential uses by Special Exception approval of the Board of Zoning Appeals. The Board, in approving such an arrangement, must make a determination that the uses involved can be adequately serviced by the same parking spaces by reason of different hours of operation. The Board is authorized to require restrictions on the use and hours of operation of any uses which share such parking spaces, and may require that appropriate instruments be filed in the Register of Deeds office to ensure the permanent availability of the shared parking spaces until such time that the on-site parking requirements of the individual uses involved would be met.

11. Except for one and two family dwellings, or other residential dwellings offered for homeownership, all uses required to have off street parking spaces shall provide off street parking spaces for handicapped persons. Such spaces shall be

in accordance with the most currently adopted handicap code by the City of Three Way. Any such spaces provided shall be grouped in the parking area as close as possible to the primary entrance(s), and as near to ends of parking isles as possible.

12. Any lighting used to illuminate an off street parking facility shall be arranged, installed, and maintained in order to deflect, shade, and focus lights away from adjacent public or private properties. Modifications to installed lighting may be required by the Building Inspector upon his determination that the lighting constitutes a hazard or nuisance.

13. In order to maintain an acceptable and safe line of sight for drivers in all districts, no fence, wall, shrubbery or other obstruction to vision between the height of 2 1/2 and 15 feet shall be permitted at intersections, as described above, shall not be located within a sight triangle as depicted in Article VI, Section 1 of this Ordinance.

14. A six (6) foot sight proof fence, berm, evergreen hedge or combination thereof shall be required where a parking area, loading area, or isle abuts a residential district.

15. Residential off street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises it is intended to serve. The driveway length between the edge of the streets' pavement and garage, carport, etc., shall be a minimum of twenty (20) feet.

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

17. Off street parking areas shall be drained so as to dispose of all surface water accumulated in the parking in such a way as to preclude drainage of water onto adjacent property or toward buildings.

C. PARKING STANDARDS

Use	Minimum Standards
1. Assembly uses including theaters auditoriums and other places of assembly with fixed seating arrangements	one (1) space per three (3) seats.
2. Business and Professional Offices	
a. Banks, savings and loans and similar institutions	one (1) space for each 200 square feet of gross floor area.

b. Medical clinics, dentist offices veterinarian clinics, optometrists and similar uses.	one (1) space for each 200 square feet of gross floor area.
c. Business and Professional offices not otherwise specified.	one (1) space for each 300 square feet of gross floor area.
3. Commercial Uses (Retail & Personal Service)	
a. Appliance Repair	one (1) space per 500 square feet of gross floor area but in no case less than four (4) spaces.
b. Auto Repair	four (4) spaces per repair stall, with repair stalls not counted as parking spaces.
c. Automobile Sales	one (1) space for each 600 square feet of gross floor area, plus one (1) space for each 2,000 square feet of outside automobile sales display area.
d. Barber shops, beauty shops	one (1) space for each 150 square feet of gross floor area.
e. Convenience store, with or or without gasoline pump island	one (1) space for each two hundred (200) square feet of gross floor area. In no case shall a parking space or its maneuvering area conflict with vehicles being fueled or waiting to be fueled.
f. Day Care	
1. Family Care	two (2) spaces.
2. Group Care	four (4) spaces.
3. Child Care	one (1) space per 300 square feet of gross floor area, but in no case less than four (4) spaces.
g. Dry cleaners, Laundry pick up stations	one (1) space per 300 square feet of gross floor area.

h. Funeral Homes and mortuaries	one (1) space per three (3) chapel seats.
i. Furniture, floor covering, paint, and similar uses	one (1) space per 500 square feet of gross floor area.
j. Gas stations	three (3) spaces per fuel pump nozzle plus parking for repair bays in accord with the parking standard for auto repair listed above. In no case shall a parking space or it's maneuvering area conflict with vehicles being fueled or awaiting fuel.
k. Laundromat	one (1) space per 200 square feet of gross floor area.
l. Mobile home, Modular home sales	one (1) space per 2,000 square feet of lot area.
m. Nursery, greenhouses	one (1) space per 400 square feet of gross floor area, plus one (1) space per 2,000 square feet of land area not covered by buildings.
n. Printing, Photocopying-non-industrial	one (1) space per 400 square feet of gross floor area.
o. Rental of Equipment	three (3) spaces per 1,000 square feet of gross floor area.
p. Restaurants	fourteen (14) spaces per 1,000 square feet of gross floor area. Where a restaurant has a bar or lounge, the area used for said bar or lounge shall be calculated separately as per these regulations. The area(s) calculated shall include any outdoor seating area.
q. Shopping Centers, excluding out parcels	five (5) spaces per 1,000 square feet of gross floor area.
r. Travel Agency	one (1) space per 300 square feet of gross floor area.
s. Other commercial uses not specified	one (1) space per 200 square feet of gross floor area.

4. Communications

a. Radio & Television Stations	one (1) space per 400 square feet of gross floor area.
b. Unmanned Communication Towers	three (3) spaces

5. Cultural, Recreation, Entertainment

a. Amusement Park	one (1) square foot of parking for each one (1) square foot of public activity area.
b. Arcades & Electronic Amusement Centers	one (1) space for every 100 square feet of gross floor area.
c. Bars, lounges, night clubs, dance halls and similar uses	one (1) space for each fifty (50) square feet of gross floor area including outdoor seating areas.
d. Bowling Alley	four (4) spaces per alley plus any required parking for associated uses such as restaurants and lounges as per these regulations.
e. Country Clubs, Lodges and similar uses	the total required parking for these uses shall be determined by calculating the parking requirements for various facilities provided (e.g. assembly, restaurant, bar, golf course, etc.) as per these regulations.
f. Golf Courses	sixty (60) spaces per each nine (9) holes plus the spaces required for associated uses such as bars, restaurants, pro shop, etc. as per these regulations.
g. Golf Driving Ranges	two and one-half (2 1/2) spaces per tee box.
h. Health Spa	one (1) space per 200 square feet of gross floor area.
i. Miniature Golf	three (3) spaces per hole.

j. Shooting Range	two and one-half (2 1/2) spaces per target area.
k. Skating Rink	one (1) space for each 150 square feet of skating area.
l. Swimming Pools	one (1) space for each fifty (50) square feet of water surface area.
m. Tennis Club or Indoor Racquet	four (4) spaces per count plus spaces required for associated uses such as spectator seating, restaurants, etc., as per these regulations.
n. Theaters, stadiums and similar uses	See assembly uses.
o. Commercial recreation uses not otherwise specified	one (1) space per 100 square feet of gross floor area whether enclosed or not.
6. Institutional Uses	
a. Churches, and other places of worship	one space for each three (3) seats in the sanctuary or main auditorium. If there is not fixed seating, an estimate of the seating capacity shall be determined by the Building Official. For the purpose of calculating parking requirements, a seat in a pew or bench is considered to be twenty-four (24) inches wide.
b. College or University	one (1) space for each 200 square feet of gross floor area for classrooms, and other teachers stations and administrative offices, plus parking for gymnasiums, auditoriums, dormitories, etc.
c.	Elementary School 1.2 spaces per classroom, or one (1) space for each three (3) seats in auditoriums or other places of public assembly, whichever is greater.
d. High School	ten (10) spaces per classroom or one (1) space per three (3) seats in auditoriums or other places of public assembly, whichever is greater.

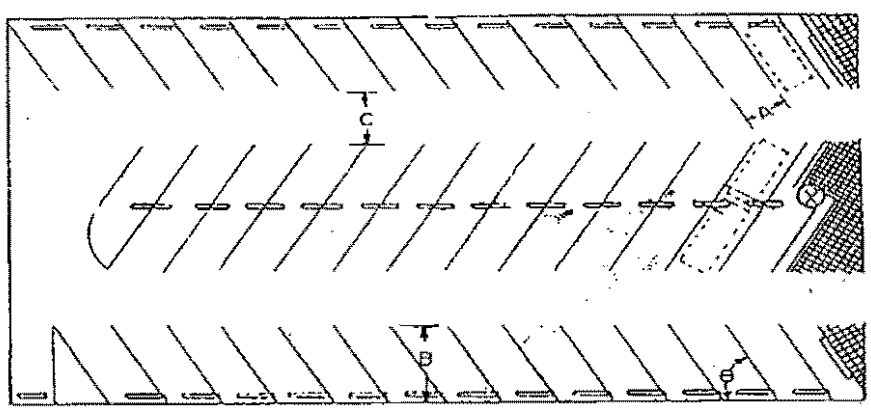
e. Hospitals	three (3) spaces per bed at design capacity.
f. Middle School	two and one-half (2.5) spaces per classroom or one (1) space for each three (3) seats in auditoriums or other places of public assembly, whichever is greater.
g. Other institutional uses not listed	As determined by the planning staff taking into account the traffic generation of such activity, the hours of operation, established parking standards, or any other factors affecting the need for off street parking.
7. Manufacturing/Industrial	one (1) space for each employee on the largest shift, at maximum employment, plus one (1) space for each company vehicle operating from the premises.
8. Residential and other dwellings	
a. Bed & Breakfast Inn	one (1) space per guest room plus two (2) spaces.
b. Dormitories, fraternity and sorority houses	two (2) spaces for each bedroom.
c. Dwellings-single family, two family and multifamily	two (2) spaces per dwelling unit.
d. Hotels	one and one fifth (1 1/5) spaces per room plus 75% of requirement for other uses associated with the establishment such as restaurants, banquet rooms, and bars as per these regulations.
e. Nursing homes, homes for the aged and similar uses	one (1) space per three (3) beds at design capacity.
f. Rooming and boarding houses	one (1) space for each bedroom.
9. Temporary Uses	As determined by the planning staff, taking into account the traffic generation of such activity, the hours of operation established parking standards, or any other factors affecting the need for off street parking.

10. Wholesale/Warehousing

a. Mini-warehousing	See Article VI Section 17 of this Ordinance.
b. Other wholesale/warehousing uses	one (1) space per 2,000 square feet of gross floor area.
11. Other uses not listed	As determined by the planning staff, taking into account the traffic generation of such activity, the hours of operation, established parking standards, or any other factors affecting the need for off street parking.

PARKING DESIGN STANDARDS

Type of Space	Parking Angle ***	Minimum Space Width** A	Minimum Space Depth* B	Minimum Aisle Width (1-way drive) C	Minimum Aisle Width (2-way drive) C
Automobile Parking Spaces	0° parallel	9'	24'	12'	19'
	45°	9'	18'	14'	22'
	60 °	9'	18'	18'	22'
	75 °	9'	18'	22'	22'
	90 °	9'	18'	24'	24'



SECTION 13

STANDARDS GOVERNING DRIVEWAYS

The following standards apply to all driveways within the City of Three Way, with the exception of those associated with single-family and two-family dwellings on individual lots.

A. Spacing

There shall be a minimum of sixty (60) feet of spacing between driveway accesses. Said spacing shall be measured from ends of radii. This spacing requirement does not apply to distances between one way driveways.

B. Distance From Intersection

1. Collector and Arterial Streets: Driveway accesses shall be no closer than one hundred seventy-five (175) feet to an intersection, on the near side of a signalized intersection. Driveway accesses shall be no closer than one-hundred (100) feet to an intersection, on the far side of a signalized intersection. Driveway accesses shall be no closer than eighty-five (85) feet to an unsignalized intersection.

2. Minor Streets: Driveway accesses shall be no closer than seventy-five (75) feet from a
signalized intersection. Driveway accesses shall be no closer than fifty (50) feet to a non-signalized intersection.

3. All measurements shall be from end of radius to end of radius.

C. Width of Driveway Access

1. One Way Drives: A one (1) way entrance shall be no less than fifteen (15) feet in width or no more than twenty (20) feet in width at the throat. One way exits shall be no less that fifteen (15) feet in width or more than thirty (30) feet in width, measured at the throat.

2. Two Way Drives: A two (2) way drive shall be no less than twenty-four (24) feet in width or no more than forty (40) feet in width at the throat.

D. Radius of Driveway Access

The radius of a driveway access shall be no less than fifteen (15) feet and no more than twenty (20) feet.

E.Location of Driveway Access on Lot

1. Distance From Property Line: The minimum spacing from the property line (extended) to the end of the radius shall not be less than one-half (1/2) of the spacing requirement noted above.

2. Driveway accesses shall line up with driveway accesses across the street unless one of the following conditions apply:

    a. If the driveway access is situated where left turning movements on to the streets could conflict, a center line offset of one-hundred twenty (120) feet between the driveway accesses is introduced.

    b. If the driveway access is situated where left turning movements into said driveway access could conflict, a centerline offset of seventy-five feet is introduced.

    c. If anticipated traffic volumes to the properties associated with the driveway access are less than two-hundred (200) trips per day and will not pose a significant traffic hazard, as determined by the Planning Department, then an alternate location for the curb cut could be introduced.

F. Number of Driveway Accesses Allowed

All lots are entitled to one (1) driveway access on streets providing access. If a lot has three-hundred or more feet of street frontage providing access, an additional driveway access is allowed. If a parcel has more than five-hundred (500) feet of street frontage providing access, more than two (2) driveway accesses could be allowed, provided a traffic impact analysis demonstrates the need, and is approved by the Planning Department.

For the purpose of this section, shopping centers, planned developments or developments where there is a series of attached buildings, and associated out-parcels, or developments that are served by a common parking area are considered as one (1) lot.

For the purpose of calculating the number of driveway accesses allowed, where there are one-way traffic movements, one (1) entrance and one (1) exit are considered one (1) driveway access.

Where a lot has more than one street providing access, the secondary street frontages are not automatically entitled to additional driveway accesses. However, if all of the above requirements can be met, additional driveway accesses could be allowed.

G. Minimum Length

All driveways must extend a minimum of twenty (20) feet into the property from the lot line abutting the street before the edge of the driveway may be intersected by a parking lot space, aisle, or drive.

H. Approval For Existing Land Use

Any access existing as of the effective date of this section shall be approved for the existing land use only. Any access approved under this chapter shall be for the land use(s) specified in the site plan. Any change in such land use(s) that would increase traffic shall require a new approval for access by the city. When a site existing at the time of this ordinance is redeveloped in a manner so as to generate an increase in traffic, the existing driveway shall be brought into conformity with the provisions of this section to the greatest extent feasible or possible.

I. Exceptions To Standards

Under the following circumstances, a traffic impact analysis by a qualified registered professional engineer using the standard format specified by the Institute of Transportation Engineers (ITE) publication "Traffic Access and Impact Studies for Site Development" dated 1991, or the latest subsequent addition is required to assess the traffic impact of a proposed development:

1. If the developer proposes any deviation from the above standards.

2. When the Planning Commission determines that the expected number of trips generated by the proposed building or land use exceeds an estimated one-thousand (1,000) vehicle trips per day or three-hundred (300) vehicle trips in the peak hour.

3. Where the Planning Commission determines that the proposed development could cause a threat or danger to the safe and efficient flow of traffic.

Upon review of the traffic impact analysis, a determination will be made by the Planning Commission as to whether any of the above requirements can be modified.

SECTION 14
MOBILE HOME PARKS

The purpose of this section is to give recognition to the fact that mobile homes can provide satisfactory living conditions provided certain minimum standards are maintained. A grouping of mobile homes in a well planned "Park" is similar in a nature to a high density residential development.

A. GENERAL PROVISIONS

1. Each mobile home park shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment.

2. Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park.

3. It shall be unlawful for any person to rent, or hold out for rent, any mobile home for living purposes within a mobile home park.

4. Axles and wheel drums, or similar devices, shall not be removed from mobile homes. Mobile homes shall be attached to or placed upon the ground in a manner that would prevent or obstruct their ready movement, except for the purpose of making repairs.

5. There shall be established and maintained with each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one (1) for every three (3) trailer sites.

6. Access roads within a mobile home park shall be paved to a width of not less than twenty-two (22) feet. Where access roads are paved to a width of thirty (30) feet or more, the required guest parking area shall be waived.

7. In order to provide practical placement on and removal from the lot and retention of the mobile home on the lot in a stable condition and in a satisfactory relationship to its surroundings, there shall be provided a mobile home stand (pad) for each individual lot. The size of mobile home stands shall fit dimensions of mobile homes anticipated. As a minimum there shall be four (4) inches of appropriate material (chert, limestone), properly graded, placed and compacted, so as to be durable and adequate, for the support of the maximum anticipated loads during all seasons.

8. Each mobile home lot shall be equipped with at least a three (3) inch sewer connection so located as to provide a suitable connection from the mobile home with a continuous grade and not subject to surface drainage.

9. Recreation areas and facilities, such as playgrounds, swimming pools, and community buildings, should be provided to meet the anticipated needs of the clientele the court is designed to serve. Not less than eight percent (8%) of the gross site area shall be devoted to recreational area.

B. GENERAL DEVELOPMENT STANDARDS

I. Site planning and improvements shall provide for:

a. Facilities and amenities appropriate to the needs of the occupants.

b. Safe, comfortable and sanitary use by the occupants under all weather conditions.

c. Practical and efficient operation and maintenance of all facilities at reasonable costs.

2. The site, including mobile home stands, patios, structures, and all site improvements shall be harmoniously and efficiently organized in relation to topography, the shape of the plot, and the shape, size, and position of structures and common facilities and with full regard to use, appearance and liveability.

3. Minimum site area for a mobile home park shall be three (3) acres.

4. Yards:

   a. Each mobile home park shall have a front yard of twenty-five (25) feet extending for the full width of the parcel devoted to said use.

   b. There shall be a rear yard and a side yard on both sides of the parcel devoted to said use of not less than ten (10) feet.

   c. Where a side or rear yard abuts a street, the yard shall be not less than twenty-five (25) feet. All yards shall be landscaped and maintained as permanent open space.

   d. Except for access right-of-way, a visual screening shall be located along all property lines except street frontage lines where the screening shall be along the front yard setback as noted above.

5. Each mobile home space shall be of sufficient size that the following requirements can be provided.

   a. Each mobile home space shall be at least thirty (30) feet wide and such space shall be clearly defined.

   b. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.

   c. Mobile homes shall be so harbored on each space so that there shall be at least a twenty (20) feet clearance between mobile homes, provided, however, that with respect to mobile homes parked end to end, the end to end clearance shall not be less than fifteen (15) feet.

C. APPLICATION PROCEDURE

No application for a permit for a Mobile Home Park shall be considered for approval by the Board of Zoning Appeals until the following information has been submitted by the applicant to the Planning Department. Each application shall be accompanied by four (4) copies of the plot plan drawn to scale and prepared by a licensed engineer or architect. Such copies shall be reviewed and approved by the Planning Commission, the Health Department, the Building Inspector and the Utility Division.

1. Plot plan of one (1) inch equals one hundred (100) feet scale showing:

   a. Site location
   b. Lot lines with dimensions.
   c. Total acreage to the nearest 10th of an acre.

d. Topography at two (2) foot contour intervals.
e. Utilities existing and proposed; water, sewer, storm drains, electric and gas.
f. Building locations and dimensions.
g. Mobile home space locations.
h. Landscape plan showing walks, open areas, walls, fences and screening.
i. Parking spaces and access drives.

2. A statement will be required from each of the four (4) departments noted above indicating the proposed project will or will not conform to all applicable regulations.

3. The Board of Zoning Appeals shall require a time schedule for development which shall demonstrate the applicant's readiness and ability to provide the proposed services.

SECTION 15

GASOLINE SERVICE STATIONS

1. Gasoline pump islands, compressed air connections, and similar equipment shall be set back a minimum of fifteen (15) feet from any right-of-way line.

2. Canopies for the gasoline pump islands may be permitted provided: no canopy shall be located closer than seven (7) feet to any street right-of-way line; a minimum ten (10) feet clearance shall be provided between the ground elevation and the canopy; no advertising or signs of any nature shall be attached to the canopy; and the width of the canopy shall not exceed the width of the gasoline pump island by more than forty percent (40%).

3. The length of curb openings shall not exceed fifty (50) feet.

4. No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line, as extended to the curb or pavement, or within twenty (20) feet of an exterior (corner) lot line as extended.

5. Any two (2) driveways providing access to a single street shall be separated by an island with a minimum dimension of twenty (20) feet at both the right-of-way line and the curb or edge of the pavement.

6. A raised curb of at least six (6) inches in height shall be erected along all of the streets' property lines, except for driveway openings.

7. The entire service area shall be paved with a permanent surface of concrete or asphalt. Any unpaved areas of the site shall be landscaped and separated from the paved areas by a curb or other barrier.

8. A solid fence or wall four (4) feet in height shall be erected along all property lines separating the site from any lot zoned for residential use, and along all alley property lines where the property opposite is zoned for residential purposes.

9. Off street parking of one parking space for each two employees (with a minimum of two (2) employee spaces) plus one (1) space for each service bay shall be provided. Exterior lighting shall be arranged so that it is deflected away from adjacent properties.

SECTION 16

FUNERAL HOMES

The purpose of this section is to give recognition to the fact that funeral homes should be located in an area that will provide a dignified atmosphere that such an institution must have in order to fulfill and satisfy the desires and needs of the people in bereavement. Therefore, subject to the conditions outlined below, the Board of Zoning Appeals may permit a funeral home to locate in the RL and RM Residential Districts.

A. GENERAL PROVISIONS

1. Such use must have direct access to a major street (collector) as shown on the Major Road and Street Plan.

2. The area and height regulations applicable to churches in the RM District shall apply to funeral homes.

3. Off street parking requirements shall meet the minimum requirements of Article VI, section 12.

4. All vehicles and equipment shall be stored in appropriate buildings.

5. In the event a building is to be constructed for such use, the Board of Zoning Appeals may require that the new structure be architecturally designed to conform with the residential character of the neighborhood.

6. As a part of the review the Board of Zoning Appeals may ask for additional information as it relates to a particular case. The Board may impose additional restrictions based on the facts of a specific case. Likewise, the Board may grant a variance in regards to item 2 above provided it is justifiable and the intent of the regulation if followed.

SECTION 17

SELF-SERVICE STORAGE FACILITIES

A. DEFINITION

A self-service storage facility consists of a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for dead storage of customer's goods and wares.

B. GENERAL PROVISIONS

1. Self-service Storage Facilities consist of two types: Type I and Type II . Type I represents the conventional form of self-service storage facility usually referred to as "mini-warehouses". Type II is a new form of self-service storage facility that emphasizes innovative design and aesthetic measures such as decorative fencing, landscaping and brick construction.

2. Self-service Storage Facilities must have direct access to a collector or arterial street as shown on the Major Route Plan, or have access to a street classified as nonresidential.

3. No activities other than rental of storage and pick-up and deposit of dead storage shall be allowed on the premises.

   Examples of activities prohibited on the premises are:

   a. Auctions, commercial wholesale, retail, garage or other miscellaneous sales.

   b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

   c. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

   d. The establishment of a transfer and storage business.

   e. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

   f. The storage of hazardous chemicals or materials.

4. No electrical power supply shall be accessible to the renter/lessee of the storage unit.

5. All storage shall be within an enclosed building, except propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components , which shall be stored only in designated screened areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.

6. Incidental manager's quarters, either separate office and living quarters or a combination thereof, is permitted.

7. Area regulations shall be controlled as provided for in the BH (Highway Business) District except where otherwise stated in this section..

8. Signs as approved by the Board of Zoning Appeals. For specific sign requirements, refer to the Sign Code of the City of Three Way.

9. As a part of the review the Board of Zoning Appeals may seek additional information and may impose any additional restrictions as they deem necessary and appropriate.

10. Off-street Parking:

    One (1) space for each employee;
    One (1) space for each 300 square feet of business office space.

    For additional specific parking requirements, refer to Article VI, Section 12.

11. There shall be a six (6) foot high sight proof fence constructed of wood, metal, or masonry material and erected on the property line which abuts a residential zone. The design and type shall be approved by the Board of Zoning Appeals.

C. TYPE I SPECIFIC PROVISIONS

1. Interior driveways between mini-warehouses shall be a minimum of forty feet (40') in width.

2. Individual storage units shall not exceed 200 square feet.

3. Woven wire fencing is permitted.

4. Metal clad and vinyl siding is permitted.

5. Maximum lot coverage - 40 percent.

D. TYPE II SPECIFIC PROVISIONS

1. Interior drives between storage buildings shall be a minimum of twenty-four (24) feet in width and shall promote easy ingress and egress throughout the site.

2. Individual storage units shall not exceed 500 square feet.

3. A barrier must be provided around the perimeter of the development. Said barrier shall be located on the setback line and may consist of either the solid facade of the storage structure or a fence. If the barrier is to be provided by a fence, said fence shall be a minimum of six (6) feet in height. Woven wire fencing shall be expressly prohibited.

4. Signs or other advertising medium shall not be placed upon, attached to, or painted on said barrier.

5. The exterior walls of the business office/manager's residence and any wall visible from adjacent residential property or a public right-of-way shall be composed of brick, stucco, or other similar masonry material. Concrete block units shall be expressly prohibited as an exterior wall veneer.. Metal clad and vinyl siding shall be expressly prohibited. All mechanical shall be screened from street view.

6. Maximum lot coverage - 50 percent

7. Within front and side yard setbacks, visible from the street, trees shall be planted 40 feet on center. A landscaping plan indicating the type and location of the proposed plantings shall be included with the site development plan.

Planting at the entrance shall consist of a variety of plants and trees to enhance the streetscape and visual attractiveness of the facility. For additional landscaping requirements, refer to Article VI, Section 18.

8. A signage plan indicating the size, design and location of the proposed sign(s) for the facility shall be included with the site development plan. The sign(s) shall be of a design and construction to contribute to the visual attractiveness of the facility.

9. All outdoor lights shall be shielded to direct light and glare only onto the facility premises and be of sufficient intensity to discourage vandalism and theft. Said lighting shall be deflected, shaded, and focused away from all adjoining property.

SECTION 18
ADULT ENTERTAINMENT ESTABLISHMENTS

It is the purpose of this section to regulate and control adult entertainment businesses to promote the health, safety, welfare, and morals of the citizens of Three Way and to establish reasonable and uniform regulations to prevent the concentration of adult entertainment businesses within the City. Special regulation of the location of these uses is necessary to insure that the characteristics associated with these types of uses do not have a deleterious, blighting effect upon adjacent neighborhoods. It is further the intent of this section to establish reasonable location standards to insure that adult entertainment districts do not locate in close proximity to residential districts, churches, schools, public parks and similar spaces catering to family groups and children.

The provisions of this section have neither the purpose or effect of imposing a limitation or restriction on access by adults to adult entertainment businesses.

A. DEFINITIONS

1. **ADULT ENTERTAINMENT ESTABLISHMENT:** An establishment which, as a part of or in the process of delivering goods and service, displays to its patrons "specified sexual activities" or "specified anatomical areas" in printed form, through any form of photographic medium or by use of male and/or female models. The following lists are examples of adult entertainment establishments, but the list is not to be considered exclusive.

2. **ADULT AMUSEMENT ARCADE:** An establishment having as a substantial or significant portion of its business one or more of the following: customer operated motion picture devices, peep shows, or similar devices, either coin-token or slug-operated or in consideration of an entrance fee for the like or both, which displays material distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein).

   For the purpose of this definition" substantial" or "significant" means twenty-five (25) percent or more the business is directed to the above described devices or activities.

3. **ADULT BOOK STORE:** An establishment having as a substantial or significant portion of its stock in trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials; or

   For the purpose of this definition "substantial" or "significant" means twenty-five (25%) or more of the business is directed to the above described devices or activities.

4. **ADULT CABARET:** A public or private establishment which serves as a night club, bar, restaurant or similar commercial establishment which regularly features:

   (a) persons who appear in a state of semi-nudity;

   (b) persons who appear in a state of nudity such as topless dancers, strippers, male or female impersonators or similar entertainment; or

   (c) live performers which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

5. **ADULT MOTEL:** A hotel, motel or similar commercial establishment that:

   (a) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has signs visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or

   (b) offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or

   (c) allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than twenty-four (24) hours.

6. **ADULT MOTION PICTURE THEATER:** Any enclosed building used regularly and routinely for presenting films, motion pictures, slides or video cassette tapes having as a dominant theme materials distinguished or characterized by an emphasis on matter depicting, describing, relating to "specified sexual activities" or specified anatomical areas" for observation by patrons therein.

7. **ADULT STAGE SHOW THEATER:** An establishment used for presenting live performances of humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

8. **ADULT VIDEO STORE:** A commercial establishment, which as a substantial or significant portion of its business purposes, offers for sale or rental, photographs, films, motion pictures, video reproductions, slides or other visual representations,

which depict or describe "specified sexual activities" or "specified anatomical areas".

For the purpose of this definition "substantial" or "significant" means twenty-five (25%) or more of its stock in trade is devoted to the above described articles or activities.

9. **MASSAGE PARLOR:** Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation or service related thereto exposes "specified anatomical areas".

10. **NUDE MODEL STUDIO:** Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

    Nude modeling done in connection with educationsl classes or schools, colleges, junior colleges and universities licensed by the State of Tennessee are not considered to be a part of this definition.

11. **NUDITY OR A STATE OF NUDITY:** The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of a breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if complete an opaquely covered.

12. **SEMI-NUDE:** A state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.

13. **SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

    (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

    (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

14. **SPECIFIED ANATOMICAL AREAS**

    (a) Less than completely and opaquely covered human genitals or public region; buttocks, anus; and/or female breast below a point immediately above the top of the areola; and

    (b) Human genitals in a discernible turgid state, even if completely and opaquely covered; and

(c) Use of artificial devices or inanimate objects to depict any of the items described above.

15. **SPECIFIED SEXUAL ACTIVITIES**

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Sexual acts, actual or simulated, human masturbation, sexual intercourse, oral copulation or sodomy;

(c) Fondling or other erotic touching of human genitals, public region, buttocks, anus or female breasts;

(d) Acts of bestiality;

(e) Acts of flagellation;

(f) Excretory functions, including defecation and urination, a part of or in connection with any of the activities described in this section;

(g) Use of artificial devices or, inanimate objects to depict any of the activities described in this section.

B. CLASSIFICATION OF ADULT ENTERTAINMENT ESTABLISHMENTS

Adult entertainment establishments are classified as follows:

1. Adult Amusement Arcades;
2. Adult Book Stores;
3. Adult Cabaret;
4. Adult Motion Picture Theater;
5. Adult Stage Show Theater;
6. Adult Video Store;
7. Adult Motel;
8. Nude Model Studio;
9. Sexual Encounter Center; and
10. Massage Parlor.

C. LOCATIONS AND STANDARDS

The following restrictions are imposed on the location of adult entertainment establishments:

1. No adult entertainment establishment shall be located in any zoning district except IH Heavy Industrial District subject to the following limitations:

   a. No adult entertainment establishment shall be permitted to locate within five hundred (500) 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 (RL, RM, RH, or PRD).

   b. No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet of a pre-existing public or private school, child care facility or established place of worship.

c. No adult entertainment establishment shall be permitted to located 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 establishment shall be permitted to locate within one thousand (1,000) feet from any liquor store.

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

D. 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.

E. SIGNS

As regulated in Article VI, Section 22.

SECTION 19

QUARRYING ACTIVITIES

Prior to commencing with any excavation, extraction, or cut and fill activity involving sand, earth, clay, or similar materials, a development permit shall be required. However, the Planning Department may waive the requirements of this section in the following instances:

1. Site preparation for a residential development where a schematic plat has been submitted to and approved by the Three-Way Municipal Regional Planning Commission and a construction plat has received approval by the Planning Staff; or

2. Site preparation where plans have been reviewed and have received approval by the Planning Department has been issued.

The permit shall be issued by the Building Department upon approval of the proposed activity by the City of Three Way Board of Zoning Appeals. Upon making application to the City of Three Way Board of Zoning Appeals, the following shall be submitted for consideration and review:

A. A site plan of the proposed operation at a 1"=100' scale including the following:

1. North point, scale and date.

2. Extent of the area to be excavated.

3. Location, width, and grade of all easements or rights-of-way on or ` abutting the property.

4. Location of all structures on the property.

5. Location of all areas on the property subject to inundation or flood hazard, and the location, width, and directions of flow of all water courses and flood control channel that may be affected by the excavation.

6. Existing topographic elevations of the total property at vertical intervals of not more than two (2) and existing topographic elevations of abutting properties at vertical intervals of not more than two (2) around the perimeter of the property and extending a minimum of 100' beyond the property lines. This requirement can be modified if the size of the site and the uniformity of the grade is such that this information is not necessary in the review process of the application.

7. A grading plan indicating: the final grade of the excavation, areas of landscaping or vegetative planting; and areas of cut or fill. In any instance where a slope is proposed to exceed a grade of 3:1, special treatment is required. This special treatment must be outlined in detail, and must demonstrate the ability to mediate any erosion potential caused by the greater slope.

8. A location map showing the proposed site and access routes.

9. The name, address and signature of the property owners and applicant.

B. A storm water management and erosion control plan prepared by a licensed Engineer outlining methods to be used in dealing with storm water runoff and potential erosion.

C. An Operational Statement, which shall include:

1. The approximate date of commencement of the excavation and the duration of the operation.

2. Proposed hours and days of operation.

3. Estimated type and volume of excavation.

4. Operating practices proposed to be used to minimize noise, dust, air contaminants, vibration, and pollution of surface and/or underground water.

D. Except in instances where the applicant successfully demonstrates to the Board of Zoning Appeals that a proposed operation will not adversely impact environmental and aesthetic considerations, adjoining land uses, and potential

growth centers, a Rehabilitation Plan is required, and shall include as a minimum:

1. A statement of planned rehabilitation, including methods of accomplishment, phasing, and timing.

2. A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.

3. A performance bond in an amount determined appropriate by the City of Three Way Board of Zoning Appeals based on cost information gathered from expert and reliable sources shall be submitted to the Planning Department prior to the issuance of a permit. The amount of the performance bond will be based on the extent and method(s) of the rehabilitation, topographical considerations, and soil types, and may vary from site to site. The bond shall consist of a performance bond as issued by a bonding company, an irrevocable letter of credit from an approved (FDIC insured) lending institution, a certificate of deposit, or other means of surety as may be deemed satisfactory to the Board of Zoning Appeals. The performance bond shall be good for a period not to exceed (12) twelve months beyond the date of the proposed completion of the operation as identified in the operational statement. During this period the rehabilitation must be completed to the satisfaction of the Planning Staff or the performance bond will be redeemed to cover the proposed rehabilitation. If for some unforeseen reason the operation extends beyond the proposed duration period identified in the operational statement, the applicant can request in writing an extended duration period; however, a new operational statement must be submitted to the Planning Department and this extension may require the submission of a new performance bond.

E. Any other requirements which in the opinion of the Board of Zoning Appeals should be required to protect the health, safety, and welfare of the surrounding area.

SECTION 20
COMMERCIAL MOBILE COMMUNICATION SERVICES (CMCS)

CMCS facilities shall be subject to the following standards:

(1) Any application for a new CMCS tower shall not be approved nor shall any building permit for a new CMCS tower be issued unless the applicant certifies that the CMCS equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:

a. The planned equipment would exceed the capacity of existing and approved structures, considering existing and planned use of those structures.

b. The planned equipment would result in technical or physical interference with or from other existing or planned equipment.

c. There are no appropriate existing or pending structures to accommodate the planned equipment, taking into account, among other factors, the applicant's system requirements.

(2) Any proposed tower shall be structurally designed to accommodate at least one additional CMCS sectorized antenna array if under 120 feet in height, at least two additional CMCS sectorized antennas if over 130 feet in height, or at least three additional CMCS sectorized antennas if over 180 feet in height. Co-located CMCS antennas shall be placed on a structure in such a manner as to avoid interference with or impairment of operations of existing antennas or other uses.

(3) Nothing in these rules and regulations shall obligate the owner of an existing tower to co-locate additional antennas on such tower or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a CMCS tower or facility. However, the owner shall not charge rent above the fair market value or set other unreasonable terms and conditions as a means to limit the feasibility for co-locating opportunities on the tower.

(4) The maximum CMCS tower height shall be two hundred (200) feet unless the applicant can demonstrate that higher heights are needed for its intended purpose. However, in no case shall a CMCS tower exceed a height of 150 feet in a residential zoning district or within 500 feet of a residential district.

(5) Accessory facilities shall be permitted but may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmissions.

(6) Existing on-site vegetation shall be preserved to the maximum extend practicable and, shall be supplemented in accord with the landscaping provisions of this ordinance. The Board of Zoning Appeals (or Planning Commission if within a BP District) may require additional landscaping, as necessary to promote the esthetic quality of the site or for buffering purposes. However, at a minimum, where the site abuts residentially developed land or zoning districts, the site perimeter shall be landscaped with at least one row of deciduous trees, not less than two inches in diameter measured three feet above the grade, spaced not more than 20 feet apart within 25 feet of the site boundary, as well as at least one row of evergreen trees and shrubs, at least 5 feet high when planted and spaced not more than 5 feet apart to form a solid shrub screen and within 40 feet of the site boundary. Alternatives such as walls or fences may be permitted based on security or other reasons.

(7) Security fencing shall be required around the base and guy anchors of any towers.

(8) Towers shall not be artificially lighted unless:

a. required by the Federal Aviation Administration or other governmental authority;

b. circumstances make lighting appropriate for safety or other reasons unique to a specific application that are set forth in that application, but in no case shall any lighting shine into adjacent residential structures.

(9) The application for a special exception approval by the Board of Zoning Appeals (or Planning Commission if within a BP District) shall include the following:

a. A site plan drawn showing the property boundaries, tower, guy wire anchors (if any), existing structures, proposed transmission buildings and/or other accessory uses, access, parking, fences, a landscaping plan and existing abutting land uses around the site.

b. A study from a professional engineer which specifies the tower height and design including a cross-section of the structure, demonstrates the tower's compliance with applicable structural standards, including a certification that the tower will withstand at a minimum sustained winds in accordance with the appropriate building code, and a description of the tower's capacity, including the number of type of antennas which it can accommodate.

c. Written statements that the proposed tower will comply with regulations administered by the Federal Aviation Administration, Federal Communications Commission, and all applicable governmental bodies or that the tower is exempt from those regulations.

d. A letter of intent committing the tower owner and his or her successors to allow shared use of the tower if capacity exists based on existing and planned use, and if a future applicant agrees in writing to pay any reasonable charge of shared use, the potential use is technically compatible and the future applicant is in good standing.

(10) The minimum setback requirements of the district in which the tower will be located shall apply to the equipment, structures, and other buildings which are auxiliary to functions of the CMCS tower. At the discretion of the Board of Zoning Appeals (or Planning Commission if within a BP District), a greater setback for the tower may be required.

(11) In any residential district, CMCS shall be setback a minimum of 500 feet from any property line.

(12) All CMCS towers within 1,000 feet of any property zoned or used for residential purposes shall be of monopole design only.

(13) All CMCS towers must be spaced a minimum distance of three-thousand (3,000) feet apart, as measured from lease line to lease line.

(14) Any CMCS tower and equipment shall be removed no later than 180 days after ceasing operations.

(15) CMCS roof antennas and related equipment may be permitted on any existing structure as accessory to the principal structure or use and does not require special exception approval by the Board of Zoning Appeals. However, they shall not exceed the minimum required height to accomplish their intended function, but in no circumstances can they extend more than thirty-five (35) feet above the height of the supporting structure upon which the roof antenna is attached or affixed. In addition the antenna and equipment are required to be finished to be as closely compatible as reasonable with the color of the supporting structure upon which the antenna and equipment is attached or affixed, and in such a manner to make the roof antenna as visually unobstrusive as possible.

(16) The Board of Zoning Appeals (or Planning Commission if within a BP District) may invoke other requirements as it deems necessary to protect the public health safety and welfare interests.

SECTION 21

SIGN REGULATIONS

The Purpose of this Section is to establish standards for the fabrication, erection and use of signs, symbols, markings and advertising devices within the City of Three Way. These standards are designed to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic and creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public.

A. Prohibited Signs. The following types of signs are prohibited in all zoning districts of Three Way as follows:

(1) Flashing signs;
(2) Rotating lights;
(3) Portable signs, except as provided in Subsection I., (17);
(4) Signs on public property, other than those erected at the direction or with the permission of public authority having jurisdiction;
(5) Signs erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device; or which makes use of the words "STOP", "LOOK", "DRIVE-IN",

character of such manner as to interfere with, mislead or confuse traffic;

(6) Signs which are erected or maintained so as to prevent free ingress to or egress from any door, window or fire escape;
(7) Signs which extend over public property which are wholly or partially illuminated by flood lights of spotlights;
(8) Signs which blend with or can be confused with traffic signals;
(9) Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
(10) Signs which are structurally unsound or which are rendered structurally sound by guy wires;
(11) Signs which display thereon or advertise any obscene, indecent or immoral matter;

B. Permits Required. It shall be unlawful for any person to erect, alter, relocate or maintain within the City of Three Way, any free standing sign or other advertising structure as defined in this Ordinance, without first obtaining a sign permit from the City and making payment of the fee required by Subsection E. hereof.

C. Application for Sign Permit. Application for a sign permit shall be made upon forms provided by the building inspector of whomsoever designated and shall contain or have attached thereto the following information:

(1) Name, address and telephone number of the applicant;
(2) Location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;
(3) Position of the sign or other advertising structure in relation to nearby building or structures;
(4) Name or person, firm, corporation or association erecting the structure;
(5) Written consent of the owner or the building, structure or land to which or upon which the structure is to be erected;
(6) Such other information as the building inspector shall require to show full compliance with this and all other laws and ordinances of the City;
(7) Agreement to abide by this ordinance and all other ordinances of the City of Three Way and to pay all costs and attorney's fees as provided by said ordinance.

D. Permit Issued If Application in Order. It shall be the duty of the building inspector or other person so designated, upon the filing of an application for an erection permit to examine the application, specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, then if it shall appear that the proposed structure is in compliance with all requirements of this ordinance and all other laws and ordinances of the City of Three Way, the building inspector or whomsoever designated shall then issue the sign permit. If the work authorized under this sign permit has not been completed within a period of six (6) months after the date of issuance, the said permit shall become null and void.

E. Permit Fees. Every applicant, before being granted a permit hereunder shall pay to the City of Three Way a permit fee with an amount established by the City of Three Way.

F. Permit Revocable At Any Time. All rights and privileges required under the provisions of this ordinance or any amendment thereto, are mere licenses, revocable at any time by the City of Three Way and all such permits shall contain this provision.

G. Unsafe and Unlawful Signs. If the building inspector or whomsoever designated shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply by the building inspector at the expense of the permittee or owner of the property upon which it is located. The building inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

H. Obsolete and Abandoned Signs.

(1) Any sign which advertises or pertains to a business product, service, event, activity or purpose which is no longer conducted or has not been in use for three (3) months or which is no longer imminent, or any sign structure that no longer displays any sign copy of a like period shall be deemed to be obsolete or abandoned. This includes signs whether located on premises or off premises.

(2) Permanent signs applicable to a business temporarily suspended because of change of ownership or management shall not be deemed abandoned or obsolete unless the property remains vacant for a period of six (6) months.

(3) Obsolete and abandoned signs are prohibited and shall be removed by the owner of the property, his agent or person having official use of the building or site upon which such sign or sign structure is erected within thirty (30) days after written notification from the city building inspector or whomsoever designated.

(4) In event of noncompliance with the aforesaid terms and provisions, then the City shall have the authority to remove the sign and bill the owner of the amount of cost incurred. Any cost that the City incurs in collecting these costs from the owner will be reimbursed by the owner

to the City and this includes a reasonable attorney's fees and court costs.

I. Exemptions. The provisions and regulations of this ordinance shall not apply to the following signs:

(1) Public signs which are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, federal, state, city and county signs, legal notices, and such temporary, emergency or non-advertising signs as may be approved by the City building inspector.
(2) Historical markers as required by local, state, or federal authorities.
(3) Fuel price information signs.
(4) Full service gasoline pump signs.
(5) Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday.
(6) No trespassing or no dumping signs.
(7) Real estate signs or signs indicating rental property available not exceeding five (5) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only.
(8) Professional occupational signs denoting only the name and professions of an occupant in a commercial building, public institution or dwelling house. "Professionals" being anyone in a business not required to pay business tax.
(9) Memorial signs or tablets, names of buildings and date or erection when cut into any masonry surface or when constructed on bond or noncombustible material.
(10) Political or campaign signs on behalf of candidates for public office or measures of election ballots provided that said signs conform to the following regulations:

a. Said signs may be erected not earlier than 45 days prior to said election and shall be removed within 15 days following said election.
b. No sign shall be located within or over the public right-of-way.

(11) Public signs, or signs specifically authorized for public purposes by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or ordinance under which the signs are erected.
(12) Temporary signs may be erected provided that permission is first obtained from the building inspector or to whom he may designate, said signs to remain a short period of time to promote drives or events of civic philanthropic, educational or religious organizations, provided

that said signs are posted only during said drive or no more than 30 days after said event or removed no more than 7 days after said event.

(13) Warning signs warning the public of the existence of danger, containing no advertising material, or a size as may be necessary, to be removed upon the subsidence of danger.

(14) Flag, emblems or insignia of any nation or political subdivision or corporate flag.

(15) Construction signs – one construction sign per construction project provided that such sign shall be erected no more than 7 days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction and shall be removed 5 days after completion and prior to occupancy.

(16) Private property signs such as "no parking", "exit", "parking", etc.

(17) Portable signs may not be on display at the same property for more than 60 days in any one calendar year. Before placing a portable sign on the property the owner will be required to obtain a sign permit which sign permit issued hereunder will be good for 30 continuous days only and if owner desires to put said portable sign at the same property for an additional 30 continuous days under the same calendar year, he will be required to purchase another sign permit which sign permit will again be good for only 30 days from its issuance. It is understood that said portable sign when used as provided herein shall not have flashing lights and shall only be illuminated with white lights.

J. Nonconforming Signs. Every sign or other advertising structure in existence on the adoption of this ordinance which violates or does not conform to the provisions hereof, shall be removed, altered or replaced so as to conform with the provisions of this ordinance within one year.

K. Site Plan Review Requirements. In all instances where site plan review is a requirement of the City of Three Way Zoning Ordinance, the type sign or plan proposed to be a permanent part of such development shall be presented at that time and shown on the site plan submitted to the City of Three Way Planning Commission. This requirements shall be a requirement of the owner proposing the new construction. In no way does that eliminate the owner from complying with this particular section of the ordinance.

L. Setback and Height Requirements.

(1) All billboards shall be located a distance of 1,000 feet from any existing billboard. Billboards shall meet the yard requirements of the district in which they are located. In addition, billboards shall not be located closer to a street than any building within 100 feet of the billboard.

(2) Signs, other than billboards, shall be placed 15 feet outside the public right-of-way.

(3) In all commercial and industrial districts, the maximum permitted height of all signs is 35 feet. In commercial districts, the maximum permitted sign area is 200 square feet. In industrial districts, the maximum permitted sign area is 300 square feet. The maximum permitted sign area for billboards is 350 square feet.

ARTICLE VII

NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

Within the districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures, and uses of land and 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.

SECTION I

INTENT

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after the passage of this Ordinance by attachment on a building or premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actually construction, provided that work shall be diligently carried on until completion of the building involved.

SECTION 2

NONCONFORMING LOTS OF RECORD

In any district in which the single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance subject to the following conditions:

A. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

B. Side yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided no side yard shall be less than five (5) feet. If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

SECTION 3

NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

C. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 4

NONCONFORMING STRUCTURES

Where a lawful structures exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of

restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 5

NONCONFORMING USES OF STRUCTURES

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

C. In no structural alterations are made, any nonconforming use of a structure, or structure, and premises, may be changed to another nonconforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

D. Any structure, or structure and land in combination, in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued, or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 6

REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 7

USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES:

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION 1

ADMINISTRATIVE OFFICES

This Ordinance shall be administered by the following:

A. Zoning Administrator

B. Building Inspector

C. Board of Zoning Appeals

D. Planning Commission

A. ZONING ADMINISTRATOR

1. Duties and Authority

The Zoning Administrator shall have the duty and authority to administer the provisions of this Ordinance and this duty and authority shall include but not be limited to the following:

a. To issue Certificate of Zoning Compliance for all uses, listed as permitted uses in this Ordinance, and to deny such Certificate to any permitted use which does not conform to the requirements of this Ordinance.

b. To issue, in the name of the Planning Commission or Board of Zoning Appeals, Certificates of Zoning Compliance for uses listed as Uses Permitted on Review in this Ordinance when such uses comply with all standards of operation set forth in this Ordinance. In all cases where such conformance is not clearly demonstrated by the evidence submitted, the Zoning Administrator shall submit the application for such permit to the Planning Commission or the Board of Zoning Appeals for their review and action. It is the intent of this Ordinance that the Zoning Administrator shall have the authority to approve applications for Uses Permitted on Review when such application fully complies with all requirements of this Ordinance and to attach such conditions to the approval as may be necessary to insure compliance, but the authority to disapprove applications for Uses Permitted on Review shall be vested in and exercised only by the Planning Commission or Board of Zoning Appeals.

c. To provide such technical and clerical assistance as the Board of Zoning Appeals and Planning Commission may require.

d. To maintain permanent and current records of this Ordinance, including by not limited to, all maps, amendments, Certificates of Zoning Compliance, variances and applications thereof and records of hearings thereon.

e. In the event the Zoning Administrator is unable to perform his duties for any reason whatsoever, the duties of the Zoning Administrator are to be performed by the Building Inspector or some other qualified person as designated by the Mayor and Board of Alderman.

B. BUILDING INSPECTOR

1. Duties and Authority with Respect to Zoning

a. The building inspector shall not issue a building permit for any construction, reconstruction or structural alteration unless a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator for such construction, reconstruction or structural alteration.

b. The building inspector shall at the time of all field inspections determine that the building or structure being constructed, reconstructed or structurally altered is being pursued in accordance with the site and building plan for which a Certificate of Zoning Compliance has been issued by the Zoning Administrator. When a violation is found to exist, the building inspector shall have the duty and authority to order all activity halted until full compliance is demonstrated.

C. BOARD OF ZONING APPEALS

1. Appointment

a. There is hereby created a Board of Zoning Appeals, which shall consist of five (5) members, two (2) of whom shall be members of the Planning Commission and three (3) shall be citizens of the city appointed by the Mayor and Board of Alderman. The terms of membership shall be of such length and so arranged that the term of one (1) member shall expire each year. The compensation of members of said board shall be as fixed by the Mayor and Board of Alderman.

2. Proceedings

The Board shall adopt rules necessary to the conduct of its affairs, and keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if ` absent or failing to vote indicating such facts and shall keep records of its examinations and other official actions, all of which shall be a public record. A staff member of the Planning Department shall act as an advisor to the Board and shall aid the Board on all matters considered by said Board.

Appeals to the Board shall be considered if filed within ten (10) days following the decision appealed from by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Each notice of appeal shall be accompanied by a payment of one hundred ($100.00). Said payment to be used to partially cover the cost of advertising, investigations and other administrative expense involved in processing an appeal. No payment will be refunded for any reason.

An appeal to the Board shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such cases proceedings shall not be stayed otherwise than be a restraining order which may be granted by the Board of by a court of record on application, on notice to the official from whom the appeal is taken, and on due cause shown. Prior to taking action on a request for a variance the Board of Zoning Appeals shall hold a public hearing. The Board shall fix a reasonable time for the hearing on any application. It shall give at least ten (10) days public notice of the time and place of hearing, with said notice being published in a newspaper of general circulation within the city.

In the exercise of its approval, the Board of Zoning Appeals may impose such conditions regarding the location, character, or other features of the proposed use or buildings as it may deem advisable in the furtherance of the general purpose of this Ordinance.

3. Powers and Duties

The Board of Appeals shall have only the following powers:

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

b. To hear and decide, in accordance with this Ordinance, requests for interpretation of the map and for the review and issuance of permits for Uses Permitted on Review as provided in this Ordinance.

c. Where, by reason of exceptional narrowness, shallowness or shape of specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

4. Appeal from Decision

All decisions and findings of the Board of Zoning Appeals on appeals or upon application for a variance shall in all instances be final administrative decisions. Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board may seek review by a court of record of such decisions, in the manner provided by the laws of the State.

D. PLANNING COMMISSION

Duties and Authority with Respect to Zoning

1. To review all applications for amendment to this Ordinance and to make findings and recommendations thereon, to the Mayor and Board of Alderman.

2. To initiate, direct, and review, from time to time, a study of the provisions of this Ordinance and to make reports of its findings and recommendations as to amendments to the Mayor and Board of Alderman.

3. To receive and act upon those applications for permits for Uses Permitted As Special Exceptions which the Zoning Administrator refers to it for necessary action as provided in this Ordinance.

4. To receive and act upon site plans as required by this ordinance, every site plan proposal submitted for Planning Commission review shall be accompanied with a review fee as set forth by the City of Three Way.

SECTION 2

CERTIFICATES AND PERMITS REQUIRED

The enforcement of this Ordinance shall be facilitated by the following certificates and permits:

A. Certificate of Zoning Compliance
B. Building Permit
C. Certificate of Occupancy

A. CERTIFICATE OF ZONING COMPLIANCE

1. Authority

No building permit shall be issued by any officer, department or employee of the City of Three Way unless the application for such permit has been examined by the office of the Zoning Administrator and has affixed to it a Certificate of Zoning Compliance issued by the Zoning Administrator,

Planning Commission or Board of Zoning Appeals certifying that the proposed use, building, structure or alteration complies with all provisions of this Ordinance. Any building permit issued in conflict with the provisions of this Ordinance shall be null and void.

2. Plat to Be Submitted

Each application for a Certificate of Zoning Compliance shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be build upon, the size and location on the lot of buildings already existing, if any; and the location and dimensions of the proposed use, building or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed uses of the building and land; the number of families, housekeeping units or rental units on the lot; and such other matters as may be necessary to determine conformance with and provided for the enforcement of this Ordinance.

3. Construction and Use To Be As Submitted

A Certificate of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use and arrangement set forth in such approved plans and applications, and no other use or arrangement. Use or arrangement at variance with that authorized shall be deemed violation of this Ordinance and punishable as provided in this Ordinance.

B. BUILDING PERMIT

A building permit shall be issued by the office of the Building Inspector in accordance with the provisions of this Ordinance and shall be regulated by Chapter 1 "Administration" of the Building Code of the City of Three Way.

C. CERTIFICATE OF OCCUPANCY

No new building shall be occupied and no change in occupancy of a building or part of a building shall be made until after the office of the Building Inspector shall have issued a certificate of occupancy as regulated in Chapter 1 "Administration" of the Building Code of the City of Three Way.

SECTION 3

AMENDMENTS

The regulations, restrictions, boundaries, and options set forth in this Ordinance may be amended, supplemented, revised or repealed from time to time as conditions warrant, subject to the following conditions:

A. RIGHT OF PETITION

Amendments to the zoning map may be proposed by the Mayor and Board of Alderman, the Planning Commission or by any owner of property or his authorized agent, within the area proposed for change, provided, however, that an owner of property or his authorized agent shall not initiate action for an 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 Three-Way , the Planning Commission or the Mayor and Board of Alderman. When the Planning Commission or the Mayor and Board of Alderman shall initiate an amendment the required fee shall be waived.

B. PROCEDURE

An application for amendment to any provision of this Ordinance shall first be filed with the Planning Department. Each application shall be accompanied by the following:

1. A plat prepared by a competent professional person showing:

    a. All property lines with accurate dimensions.

    b. Adjoining streets with right-of-way and pavement widths.

    c. Location of buildings or other structures, easements, etc.

    d. Other pertinent information that the Planning Commission may request in order to properly evaluate the application.

2. Each application shall be accompanied by a fee as set forth by the City of Three Way to partially cover the cost of advertising, making maps, field investigations and other administrative expense involved in processing an

application for a zoning amendment; no payment shall be refunded for any reason.

C. REVIEW BY PLANNING COMMISSION

The Planning Commission shall review any petition for amendment to the Zoning Ordinance. After the Planning Commission conducts its review, notification of a pending rezoning petition shall be mailed to all property owners, as determined by review of the Madison County Tax Rolls, whenever property is within five hundred (500) feet of the property under consideration for rezoning. Said notification shall serve to identify the property, outline the change and give notice of the time and location of a public hearing to be held by Mayor and Board of Alderman, prior to its taking action on the request, as required by law.

D. HEARING BY GOVERNING BODY

Before enacting the Zoning Ordinance or any amendment thereof, the chief legislative body shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. No change in or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of said legislative body.

SECTION 4

INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Ordinance they shall be considered as the minimum requirements for the promotion of the public safety, health, morals and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of property or premises or upon the height of buildings, or requires greater space than is imposed or required by other resolutions, rules, or regulations, or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

SECTION 5

PENALTIES

It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land in violation of any regulation in this Ordinance. Any person, firm, association, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance shall, upon conviction thereof, be subject to the penalty outlined for a class C Misdemeanor as stated in TCA 40-35-111, and in addition shall pay all cash and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

SECTION 6

VALIDITY

Should any article, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such action shall not affect the validity of the Ordinance as a whole or any part hereof other than the part so declared to be invalid, each article, clause and provision hereof being declared serveable.

SECTION 7

REPEAL OF CONFLICTING ORDINANCES

The Zoning Ordinance of the City of Three Way, the caption of which is as follows: "Zoning Ordinance of the City of Three Way," adopted by the Mayor and Board of Aldermen on March 8, 1999, and all amendments thereto, are hereby repealed.

SECTION 8

EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption, the welfare of the City requiring it.

Certificate by the Planning Commission: September 13, 1999
Introduced: October 4, 1999
Adopted: November 8, 1999

Official Zoning Ordinance

Three Way Planning Commission

Three Way, Tennessee

300995

PUBLISHER'S AFFIDAVIT

The Jackson Sun

JACKSON, TENN.

State of Tennessee,
County of Madison } ss:

Before me, a notary public for the state and county aforesaid, personally appeared Sela Bates who, being duly sworn, deposed and says: that he/she is the ad rep. of The Jackson Sun, a daily newspaper published in the City of Jackson, County and state aforesaid, and that the advertisement of City of Three Way was published in said paper One (1) times, to-wit:

Date	Size	Position	Number of Headline of Copy
4.22.01	1 col.	legal	197152
			#300995

Sela Bates
(Signature of Newspaper Representative)

DIANE DAVIS
NOTARY PUBLIC AT LARGE
MADISON COUNTY, TENNESSEE

Sworn to and subscribed before me this 25 day of Apr. A.D. 01

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year aforesaid.

Diane Davis
(Notary Public)

My Commission expires 8/23 04

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF THREE WAY, TENNESSEE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF THREE WAY THE FOLLOWING:

SECTION 1. That the text of the Zoning Ordinance of the City of Three Way, Article VI, Section 7C Customary Home Occupations Prohibited be amended by deleting "barber shops" as a prohibited use.

SECTION 2. That the text of the Zoning Ordinance of the City of Three Way, Article VI, Section 7B Customary Home Occupations be amended by adding "beauty shops/barber shops" as a permitted use.

SECTION 3. That this ordinance becomes effective upon its adoption, the public welfare requiring it.

James R. Hill
MAYOR

INTRODUCED: 5-7-01

ADOPTED: 5-8-01

NOTICE

Public notice is hereby given that an ordinance will be introduced at a public hearing before the Board of Alderman of the City of Three Way. The purpose of which is to amend the text of the Zoning Ordinance for the City of Three Way relative to adding beauty shops as a special exception use. The Ordinance will be on file in the City of Jackson Planning Department, 111 East Main Street, Suite 201 and may be examined during regular business hours. This Ordinance will be heard and considered for adoption at the regular meeting of the Three Way Board of Alderman to be held at the Three Way Fire Station, 174 Three Way Lane at 7:00 PM on Monday, May 7, 2001

Old Page - revised by 5/8/01 adding Beauty Shops! bc

B. Barns, silos or other farm structures when located on farms; belfries, cupolas and domes; monuments; water towers; transmission towers, windmills, chimneys, smoke stakes; flag poles; radio towers, mast and aerials.

C. Bulkhead, elevator penthouses, water tanks, and scenery lofts and similar structures provided that such structures shall not cover more than twenty-five percent (25%) of the total roof area of the building on which such structures are located.

SECTION 7

CUSTOMARY HOME OCCUPATION

This section defines customary home occupations and prescribes the conditions under which such occupations shall be permitted.

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

B. The following occupation, subject to the requirements of the above paragraph, are permitted as customary home occupations:

1. Artist, sculptor, author;
2. Dressmaker, milliner, seamstress, tailor;
3. Teaching, including tutoring, musical instructions or dancing, but limited to two (2) pupils present for instructions at any given time.
4. Home offices.

C. Prohibited: Dancing instruction and musical instruction in groups, tearooms, tourist homes, barber shops, and stores, trades, professions, or business of any kind not herein accepted shall not be deemed to be home occupations.

D. Nothing in this section shall mean the discontinuance of an existing lawful home occupation, but henceforth they shall be governed by Article VII, Section 5.

197152

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