Zoning Resolution

City of Three Way, Tennessee
Planning Region

Adopted: December 15, 2014

ZONING RESOLUTION
THREE WAY PLANNING REGION
TABLE OF CONTENTS

			PAGE
CHAPTER 1	GENERAL PROVISIONS RELATING TO ZONING		7
	1.01	Title	7
	1.02	Purpose	7
CHAPTER 2	GENERAL PROVISIONS		8
	2.01	Zoning Affects Every Building and Use	8
	2.02	Nonconforming Uses and Building	8
	2.03	Number of Buildings on Each Lot	9
	2.04	Accessory Buildings	9
	2.05	Temporary Building Permitted	10
	2.06	Required Yard Cannot Be Used by Another Building	10
	2.07	Obstruction to Vision at Street Intersection	10
	2.08	Signs	10
	2.09	Off-Street Parking Requirements	11
	2.10	Off-Street Loading and Unloading Space	13
	2.11	Access Control	13
	2.12	Regulations Applicable to Mobile Home Parks	13
	2.13	Permit Required for Excavation and Cut and Fill Activities	18
	2.14	Commercial Mobile Communication Services (CMCS)	21
	2.15	Adult Entertainment Establishments	24
	2.16	Mini Warehouses	29
	2.17	Accessory Dwelling Units (ADU)	30
CHAPTER 3	ESTABLISHMENT OF DISTRICTS		31
	3.01	Classification of Districts	31
	3.02	Boundaries of Districts	31
CHAPTER 4	PROVISIONS GOVERNING FAR DISTRICTS		32
	4.01	Uses Permitted	32
	4.02	Uses Permitted on Appeal	32
	4.03	Uses Prohibited	32
	4.04	Minimum Lot Size	32

	4.05	Minimum Lot Width	38
	4.06	Minimum Front Yard Depth	38
	4.07	Minimum Side Yard Width	38
	4.08	Minimum Rear Yard Depth	40
	4.09	Maximum Building Coverage	40
	4.10	Maximum Height of Buildings	40
CHAPTER 5	PROVISIONS GOVERNING FR DISTRICTS		40
	5.01	Uses Permitted	40
	5.02	Uses Permitted on Appeal	41
	5.03	Uses Prohibited	43
	5.04	Minimum Lot Size	43
	5.05	Minimum Lot Width	43
	5.06	Minimum Front Yard Depth	43
	5.07	Minimum Side Yard Width	44
	5.08	Minimum Rear Yard Depth	44
	5.09	Maximum Building Coverage	44
	5.10	Maximum Height of Buildings	45
CHAPTER 6	PROVISIONS GOVERNING MR DISTRICTS		46
	6.01	Uses Permitted	46
	6.02	Uses Permitted on Appeal	46
	6.03	Uses Prohibited	48
	6.04	Minimum Lot Size	48
	6.05	Minimum Yard Size	48
	6.06	Building Area	49
	6.07	Maximum Height	49
CHAPTER 7	PROVISIONS GOVERNING C-1 DISTRICTS		50
	7.01	Uses Permitted	50
	7.02	Uses Permitted on Appeal	50
	7.03	Uses Prohibited	50
	7.04	Minimum Lot Size	51
	7.05	Minimum Lot Width	51
	7.06	Minimum Front Yard Depth	51
	7.07	Minimum Side Yard Width	51
	7.08	Minimum Rear Yard Depth	51
	7.09	Maximum Building Coverage	51
	7.10	Maximum Height of Building	51
	7.11	Off-street Parking, Loading, and Unloading Requirements	51

CHAPTER 8 PROVISIONS GOVERNING C-2 DISTRICTS 52

8.01 Uses Permitted 52
8.02 Uses Permitted On Appeal 53
8.03 Uses Prohibited 53
8.04 Minimum Lot Size 54
8.05 Minimum Lot Width 54
8.06 Minimum Front Yard Depth 54
8.07 Minimum Side Yard Width 54
8.08 Minimum Rear Yard Depth 54
8.09 Maximum Building Coverage 55
8.10 Maximum Height of Buildings 55
8.11 Off-Street Parking, Loading and Unloading Requirements 55

CHAPTER 9 PROVISIONS GOVERNING C-3 DISTRICTS 56

9.01 Uses Permitted 56
9.02 Uses Permitted on Appeal 56
9.03 Uses Prohibited 56
9.04 Minimum Lot Size 56
9.05 Minimum Lot Width 56
9.06 Minimum Front Yard Depth 57
9.07 Minimum Side Yard Width 57
9.08 Minimum Rear Yard Width 57
9.09 Maximum Building coverage 57
9.10 Maximum Height of Building 57
9.11 Accessory Building 57
9.12 Periphery Buffering and Screening 57
9.13 Approval Process 57

CHAPTER 10 PROVISIONS GOVERNING C-4 DISTRICTS 59

10.01 Uses Permitted 59
10.02 Area Regulations 61
10.03 Height Regulations 62
10.04 Parking and Access 62
10.05 Screening and Landscaping 62
10.06 Prohibited Uses 63
10.07 Administrative Procedures for Planned Commercial Developments 63

CHAPTER 11 PROVISIONS GOVERNING R-C DISTRICTS 57
11.01 Uses Permitted 65

	11.02	Uses Permitted on Appeal	65
	11.03	Prohibited Uses	65
	11.04	Minimum Lot Size	66
	11.05	Minimum Lot Width	66
	11.06	Minimum Front Yard Depth	66
	11.07	Minimum Side yard Width	66
	11.08	Minimum Rear Yard Depth	66
	11.09	Maximum Height of Building	66
	11.10	Off-Street Parking Requirements	66
CHAPTER 12	PROVISIONS GOVERNING M-1 DISTRICTS		67
	12.01	Uses Permitted	67
	12.02	Uses Permitted on Appeal	68
	12.03	Uses Prohibited	69
	12.04	Minimum Lot Size	69
	12.05	Minimum Lot Width	69
	12.06	Minimum Front Yard Depth	70
	12.07	Minimum Side Yard Width	70
	12.08	Minimum Rear Yard Depth	70
	12.09	Maximum Building Coverage	70
	12.10	Maximum Height of Buildings	71
	12.11	Off-Street Parking Loading and Unloading Requirements	71
CHAPTER 13	PROVISIONS GOVERNING H-C DISTRICTS		72
	13.01	Amendments Designating Historical and Cultural Districts	72
	13.02	Uses Permitted	72
	13.03	The Jackson Madison County Historic Zoning Commission	73
	13.04	Approval of the Historic Zoning Commission	73
CHAPTER 14	PROVISIONS GOVERNING F-H DISTRICTS		76
CHAPTER 15	DEFINITIONS		99
CHAPTER 16	EXCEPTIONS AND MODIFICATIONS		105
	16.01	Lot of Record	105
	16.02	Front Yard	105
	16.03	Height Regulations	105

CHAPTER 17	ENFORCEMENT		106
	17.01	Enforcing Officer	106
	17.02	Building Permits and Certificates of Occupancy	106
	17.03	Penalties	107
	17.04	Remedies	107
CHAPTER 18	BOARD OF ZONING APPEALS		108
	18.01	Creation and Appointment	108
	18.02	Procedure	108
	18.03	Appeals, How Taken	108
	18.04	Powers	108
CHAPTER 19	AMENDMENT		111
	19.01	Zoning Amendment Petition	111
	19.02	Planning Commission Review	111
	19.03	Public Hearing on Proposed Amendment	111
CHAPTER 20	LEGAL STATUS PROVISIONS		113
	20.01	Conflict With Other Resolutions	113
	20.02	Validity	113
	20.03	Effective Date	113
CHAPTER 21	AIRPORT ZONE		114

CHAPTER 1

GENERAL PROVISIONS RELATING TO ZONING

A resolution, in pursuance of the authority granted by Section 13-401 through 13-415 of the Tennessee Code Annotated, to promote the public health, safety, morals, convenience, order, prosperity, and general welfare; to provide for the establishment of districts or zones within the area designated as the Three Way Planning Region; to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes; and to provide methods of administration of this resolution and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE COUNTY COMMISSION OF MADISON COUNTY, TENNESSEE, AS FOLLOWS:

1.01 Title - This resolution shall be known and may be cited as the "Zoning Resolution of Three Way, Tennessee Planning Region", and the map herein referred to which are identified by the title, "Zoning Map, Three Way, Tennessee Planning Region" and all explanatory matters thereon are hereby adopted and made a part of this resolution.

1.02 The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the Three Way Planning Region. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Three Way Planning Region.

CHAPTER 2

GENERAL PROVISIONS

2.01 Zoning Affects Every Building and Use - No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation. However, this shall not be construed as authorizing the requirement of building permits or any regulations of any building, other than set back requirements from the right-of-way of a street or alley, for lands devoted to agricultural uses. Nor shall it be construed as limiting or affecting in any way or controlling the agricultural uses of land.

2.02 Nonconforming Uses and Building -

A. Any nonconforming building may not be:

1. Extended except in conformity with this resolution.

2. Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement cost except in conformity with the provisions of this resolution.

B. Any nonconforming use may not be:

Changed to another nonconforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals. Once a nonconforming use becomes a conforming use it cannot be changed to another nonconforming use.

C. Any nonconforming use of building may not be:

1. Re-established after discontinuance for one year.

2. Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement cost unless the use and building conform to the provisions of this resolution.

D. A building permit shall be issued for construction only on a parcel of land which was an official lot of record at the time of the passage of this resolution or which has been developed as a lot of

record in an approved subdivision under the Subdivision and Land Development Regulations for the City of Three Way and Planning Region.

E. No building shall be erected on a lot which does not abut at least one street or travel easement as herein defined for at least fifty (50) feet. However, building permits issued for lots served by travel easements shall be restricted to existing lots of record, as herein defined. This shall not be construed to apply to properties abutting a cul-de-sac turn-around; a minimum street abutment distance of twenty-five (25) feet shall apply to cul-de-sac turn-arounds, provided, however, that the minimum building line distance is provided at the building setback line.

2.03 Number of Buildings on Each Lot

A. Uses Except Single Family Dwellings, Duplexes and Mobile Homes

In any district more than one building housing a permitted or permissible use, other than a single family dwelling, duplex, or mobile home may be erected in a single lot if the Board of Zoning Appeals approves such a use of the lot as a satisfactory use subject to appropriate conditions and safeguards.

B. Single Family Dwellings, Duplexes, and Mobile Homes

Only one mobile home, single family dwelling, or duplex may be placed on a lot in any F-R (Fringe-Residential) zone.

In F-A-R (Forestry-Agriculture-Recreation) zones both a mobile home and single family dwelling may be placed on the same lot if areas, side yards, and rear yard requirements of the zone can be met. If one dwelling is in the back of the other, the dwellings must be separated by a distance equal to the combined depths of the front and rear yards required in the zone. No Board of Appeals approval is necessary.

2.04 Accessory Buildings - No accessory building shall be erected in any required yard and no separate accessory building shall be erected within five (5) feet of any principal building or be located nearer the front line than the principal building.

2.05 Temporary Building Permitted - A temporary building for construction materials and/or equipment and a temporary office for the sale or

rental of real property, if in connection with and incidental and necessary to a real estate development shall be permitted in any district providing that any building permit issued for such a building shall be valid for not more than six (6) months and may not be extended more than three (3) consecutive times.

2.06 Required Yard Cannot be Used by Another Building - No part of a yard or open space required about any building for the purpose of complying with the provisions of this resolution shall be included as a part of a yard or other open space required in this resolution for another building.

2.07 Obstruction to Vision at Street Intersection Prohibited - On a corner lot within the area formed by the center line of the intersection or intercepting streets and a line joining points on such center line at distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision from two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. These requirements shall not be construed to prohibit any necessary retaining wall.

2.08 Signs

A. Signs Hindering Traffic Prohibited - No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device. No sign shall contain or make use of ay work, phrase, symbol, shape, form or character in such a manner as to interfere with or confuse traffic.

B. Privately Owned Signs Prohibited in Public Right-of-way - No sign shall be placed in any public right-of-way, except publicly owned signs.

C. Publicly Owned Signs - Publicly owned signs, such as traffic controls signs and directional signs are allowed in all districts.

D. Certain Electrical Signs - No signs having flashing, intermittent, or animated illumination shall be permitted within three hundred (300) feet of property in districts permitting residential uses unless such sign is not visible from such property. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district

unless the illumination of such sign is so designed that it does not shine or reflect light on such property.

E. Rotating Signs - No rotating signs, whether powered by electricity or some other source of energy will be allowed in any district where they are visible from a public street.

F. Ground Signs - No ground sign shall be located closer than ten (10) feet to a street right-of-way unless such sign is not at least ten (10) feet above the ground and vision under the sign is only incidentally obstructed by supporting members.

2.09 Off-Street Parking Requirements

A. General - There shall be provided, at the time of erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zone, use, or occupancy to another, permanent off-street parking as specified in this resolution. Parking spaces maintained in connection with an existing and continuing principal building on the effective date of this resolution shall not be counted as serving a new building or addition; nor shall any parking space be substituted for loading space, nor any loading space substituted for a parking space.

B. Location - Off-street parking shall be located on the same lot which it serves. If the parking cannot be reasonably provided on the same lot the Board of Zoning Appeals may permit parking, space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance of such principle use.

C. Size of Maneuvering Room - Each parking space shall be equal to an area of two hundred (200) square feet. The width shall not be less than ten (10) feet and the length shall not be less than twenty (20) feet. A minimum of four hundred (400) square feet per parking space shall be used when computing parking area to include maneuvering space. Except for dwellings with one or two dwelling units, all off-street parking facilities shall be so arranged so that no automobile shall have to back into any street.

D. Access - Each parking space shall be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.

E. May Serve As Yard Space - Parking space may be included as part of the required yard space associated with the permitted use.

F. Number of Spaces for Specific Uses

1. Dwelling units - two (2 spaces for each unit.

2. Hotel, rooming, or boarding house - one (1) space for each two (2 rooms or units to be rented.

3. Motel, tourist rooms, or tourist courts - one space for each unit to be rented.

4. Elementary school or junior high school - one space for each classroom and administrative office.

5. Senior high school - one space for each classroom and administrative official plus one space for each twenty (20 students for which the building was designed.

6. Stadium - one space for each ten (10) spectator seats.

7. Hospital - one space for each three (3) beds intended for patient use, exclusive of bassinets.

8. Any theater, auditorium, church, or other place of public assembly - at least one (1) space for each five (5) seats provided in such place of assembly. In places where seating is not a measure of capacity, such as funeral parlors and clubhouses, at least one space for each one-hundred (100) square feet of floor space devoted to the particular use.

9. Public utility building - one space for each employee.

10. Banks and office buildings - one space for each one-hundred and fifty (150) square feet of total floor space.

11. Bus and railroad terminals - one space for each employee, plus one space for each two hundred (200) square feet in waiting room.

12. Clinic - three (3) spaces for each doctor, plus one space for every two (2) employees.

13. Automobile service station - eight (8) spaces for each grease rack or similar facility, plus one space for each gasoline pump.

14. Outdoor or indoor retail business use not previously listed - one space for each one hundred (100) square feet of total sales area, plus one space for each two (2) employees.

15. Wholesale and distribution uses - one space for each employee.

2.10 Off-Street Loading and Unloading Space - Every building used for business or trade shall provide adequate space for the loading and unloading of vehicles off the street or alley. Such space shall have access to an alley or if there is no alley to a street.

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

A. Plan Submission - In order to obtain access to a street a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading spaces shall be submitted to the Building Commissioner. Such a plan shall include a scale drawing with no less than one inch equaling twenty (20) feet.

B. Number of Access Points - There shall be no more than two points of access to any one public street on a lot of less than three hundred (300) feet but no more than three hundred (300) feet in width. Lots in excess of three hundred (300) feet may have two points of access to any one public street for each three hundred (300) feet of frontage. Lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.

C. Distance to Intersections - All vehicular access points shall be located at least thirty (30) feet from the intersection of any right-of-way lines of streets or a street and a railroad.

D. Width - A point of access, i.e., a driveway or other opening for vehicles onto a public street, shall not exceed twenty-five (25) feet in width for one-way, one lane ingress or egress and shall not exceed thirty-five (35) feet in width for two-way ingress and/or egress. The County Engineer may issue permits for a point of

access up to fifty (50) feet in width for businesses engaged primarily in the servicing of automobile vehicles.

E. Affect on Curbs, Drainage Ditches, and Sidewalks - No curbs shall be cut or altered or drainage ditches covered for the purpose of access without written approval by the County Engineer. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have an effective barrier to prevent harm to pedestrians or sidewalk by encroachment of vehicles on the sidewalk area.

F. Relation to State Highway Regulations - Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation.

G. Variances - Causes requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals.

2.12 Regulations Applicable to 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 developed and maintained within an approved mobile home park.

A. General Provision

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. Axles and wheels, drums, or similar devices, shall not be removed from mobile homes. Mobile homes shall not be attached to or placed upon the ground in a manner that would prevent or obstruct their ready movement.

4. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area, conveniently arranged,

shall be equal to one (1) for every three (3) mobile home sites.

5. 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.

6. 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.

7. 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. Should a mobile home park be located outside the service area of a public utility district the park shall be equipped with a packaged sewage treatment plant, or a sewage lagoon, as approved by the County Health Department.

8. A potable water supply, with an acceptable distribution system approved by the County Health Department shall be utilized in each mobile home park.

9. A mobile home park must have direct access to an improved, all weather, hard surfaced road.

10. Recreation areas and facilities, such as playgrounds, swimming pools, and community buildings should be provided to meet the anticipated needs of the clientele the park is designed to serve.

B. <u>General Development Standards</u>

1. Site planning and improvements shall provide for:

(a) Facilities and amenities appropriate to 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.

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 livability.

3. Minimum site area for a mobile home park shall be four (4) acres.

4. Yards:

(a) Each mobile home park shall be setback a minimum of twenty-five (25) feet from all street or road rights-of-way.

(b) There shall be a minimum setback of ten (10) feet from other property lines. All yards shall be landscaped and maintained as permanent open space.

5. Individual mobile home spaces (lots) shall be of sufficient size that the following requirements can be provided:

(a) Each mobile home space shall be at least twenty-five (25) feet wide and such space shall be clearly defined.

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

(c) Mobile homes shall be so harbored on each space so
that there shall be at least a fifteen (15) foot clearance between mobile homes.

C. Application Procedure

No application for a permit to develop 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.

1. Four (4) copies of a plot plan prepared at a scale of one (1) inch to one hundred (100) feet showing:

   (a) Property lines with dimensions.
   (b) Total acreage to the nearest 10th of an acre.
   (c) topography to two (2) foot contour intervals.
   (d) Utilities existing and proposed: water, sewer, electric,
   gas and storm drainage.
   (e) Building locations and dimensions.
   (f) Mobile home space location.
   (g) Recreation areas plan.
   (h) Landscape plan showing walks, open areas, walls, fences and screening.
   (i) Parking spaces and access drives.

2. A location map and the names and addresses of all property owners within five hundred (500) feet of the proposed park.

3. The plot plan (4 copies) shall be submitted to the Planning Commission. One copy of the plans shall be retained for review by the Planning Commission, one copy forwarded to the County Health Department and one copy to the Utility District in which the proposed park would receive service. The Planning Commission, Health Department and Utility Division or District will review the plot plan for conformance to this section and in accordance with recognized standards of development. These groups will submit within thirty (30) days, in writing, their recommendations to the Board of Zoning Appeals.

D. Review Procedure

The Board of Zoning Appeals will review the application in accordance with the procedures noted in Chapter 11 Section 11.03. During their review of the application, the Board of Zoning Appeals shall consider, as a minimum for approval, the following factors:

1. Have the requirements of this section been complied with in every respect?

2. Would the development of a mobile home park be in conflict with existing and future uses?

3. Would the development of a mobile home park materially effect the adjacent properties?

4. Has the applicant(s) demonstrated the ability to carry out the proposed development in a manner that would insure proper development and not create a blighting effect within the area? In granting approval for a mobile home park the Board shall impose such conditions as necessary to insure good development. Approval shall be denied to any applicant who fails to comply fully with the requirements stated herein, or fails to meet any other conditions the Board may impose.

2.13 Permit Required for Excavation, and Cut and Fill Activities

Prior to commencing with any excavation, extraction, or cut and fill activity involving sand, earth, clay, or similar materials, a permit shall be required. However, the Building Commissioner may waive said permit in the following instances:

1. Site preparation for a residential development where a schematic plat has been submitted to and approved by the Jackson 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 Building Commissioner and a building permit issued.

The permit shall be issued by the Building Commissioner upon approval of the proposed activity by the Madison County Board of Zoning Appeals. Upon making application to the Madison County

Board of Zoning Appeals, the following shall be submitted to the Board of Zoning Appeals 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 5' and existing topographic elevations of abutting properties at vertical intervals of not more than 5' 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 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 may 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 or licensed Surveyor 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 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 Madison County Board of Zoning Appeals based on cost information gathered from expert and reliable sources shall be submitted to the Building Commissioner 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) 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 Building Commissioner and 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 Building Commissioner 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.

2.14 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. The Board of Zoning Appeals may require additional landscaping, as necessary to promote the aesthetic 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 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 licensed 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 and 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, 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 five thousand (5,000) 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 unobtrusive as possible.

(16) The Board of Zoning Appeals may invoke other requirements, as it deems necessary to protect the public health safety and welfare interests.

2.15 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 Madison County and to establish reasonable and uniform regulations to prevent the concentration of adult entertainment businesses within the County. 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 nor the 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 educational classes or

schools, colleges, junior colleges and universities licensed by the State of Tennessee is 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; or

(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 C-2 Highway Business 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 FAR, SR, FR, R, and/or MR.

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 locate within one thousand (1,000) feet from a public park, public space or other similar open space, which caters to family groups and/or 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

Signs bearing or containing statements, words, and/or photographs, drawings, sketches, or other pictorial or graphic representations of the specified anatomical areas or specified sexual activities as described in Section A (14) and (15) of this resolution are prohibited.

Signs associated with adult entertainment establishments, as defined herein, are limited to two signs: one affixed to the building wall and one freestanding sign. Signs affixed to the building wall shall be limited to 30 percent of the building wall area. Freestanding signs shall be limited to 35 feet in height and 200 square feet of sign area. Freestanding signs projecting over public rights-of-way are prohibited. Freestanding signs shall be set back a minimum of fifteen (15) feet from all public rights-of-way.

2.16 Mini-Warehouses

Mini-warehouses are groupings of structures divided into individual units which shall not exceed ten (10) feet by forty (40) feet in size and for the sole purpose of providing non-commercial, small area storage for the general public.

A. General Provisions

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

2. Off-street Parking

1 space for each employee

1 space for each 100 square feet of business office space.

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

4. Area regulations shall be controlled as provided for in the C-2 (General Commercial Center) District.

5. There shall be a seven 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.

6. Signs as approved by the Board of Zoning Appeals.

7. 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.

2.17 Accessory Dwelling Units (ADU)

A self-sufficient housekeeping unit shall be considered accessory to a single-family use of property, subject to the following conditions:

1. The property owner must occupy either the principal residential unit or the ADU as their permanent and principal residence.

2. Both the single-family residential dwelling and the ADU must be occupied by persons that are family members related by blood, marriage, or legal adoption.

3. Only one (1) ADU shall be allowed on any lot zoned for residential purposes.

4. No entrance, which would be visible from the street, may be located on the ADU, in order to maintain the single-family residential appearance of the property.

5. An ADU shall be designed to maintain the architectural design, style, appearance and character of the single-family residence.

6. An instrument shall be recorded with the Madison County Register's Office covenanting that the ADU is being established as an accessory use and may only be used under the conditions listed above.

CHAPTER 3

ESTABLISHMENT OF DISTRICTS

3.01 Classification of Districts - For the purpose of this resolution, the Three Way, Tennessee Planning Region is hereby divided into ten (10) districts, designated as follows:

FAR	Forestry-Agriculture-Recreation
FR	Fringe Residential
MR	Multi-family Residential
C-1	Convenience Commercial
C-2	General Commercial
C-3	Restaurant Entertainment
C-4	Planned Commercial District
R-C	Recreation
M-1	Light Industrial
HC	Historical and Cultural
F-H	Flood Hazard District
A-P	Airport Zone

3.02 Boundaries of Districts

A. General - The boundaries of districts in Section 3.01 of this Chapter are hereby established as shown on the Official Zoning Maps entitled "Official Zoning Map, Three Way, Tennessee Planning Region" which is a part of this resolution and which is on file.

B. Exact Determination - Unless otherwise indicated, boundaries as shown on the Official Zoning Maps indicated as following lot lines, the center lines of streets or alleys, the center line of railroad right-of-way lines. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

CHAPTER 4

PROVISIONS GOVERNING F-A-R DISTRICTS

General Description - This district is intended to be used primarily for agriculture, forestry, and very low density residential development. The basic intent is to permit lands best suited for agriculture and forestry to be used for those purposes and to place necessary restrictions on residential development in areas without restrictions on residential development in areas without access to public water and sanitary sewerage systems or otherwise unsuited for more intensive residential development. As the Three Way Municipal Regional Planning Commission determines that there is sufficient demand for additional open land suitable for development and that there are adequate provisions for water supply and sewerage disposal, selected portions of this district suitable for the uses to be allowed, may be rezoned for more intensive forms of development. This district is also intended to allow travel trailer parks and certain uses on appeal which provide non-commercial services to the district or the district and other parts of the country, subject to appropriate conditions and safeguards.

Within the F-A-R Forestry-Agriculture-Recreation Districts the following regulations shall apply.

4.01 Uses Permitted

A. Forestry and Agricultural Uses - Forestry and agricultural uses: small road side stands for the scale of farm products raised on the same property; and customary accessory buildings for these uses.

B. Residential Uses - Single family homes, mobile homes, and customary accessory buildings for these uses.

4.02 Uses Permitted on Appeal - Following public notice and hearing and subject to appropriate condition and safeguards, the Board of Zoning Appeals may permit:

A. Residential Uses - Mobile home parks which meet the requirements of Section 2.12; travel trailer parks; and customary accessory buildings for these uses.

B. Public and Semi-Public Uses - Churches; schools, other suitable public and semi-public uses; and customary accessory buildings for these uses.

C. Home Occupations - Home occupations, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the area in which the proposed use is located; and provided further that:

a. The home occupation shall be limited in employment to residents of the property.

b. The home occupation shall be clearly incidental and secondary to the use of the site for dwelling purposes and shall not change the residential character thereof.

c. The home occupation may be conducted within the dwelling and/or within an accessory building provided that all structures used shall be harmonious in appearance with the residential area.

d. Unless otherwise determined by the Board of Zoning Appeals, there shall be no sales of products or services not produced on the premises.

e. There shall be no external alteration of the appearance of the property, the dwelling, or accessory building in which the home occupation is conducted which would reflect the existence of said home occupation. There shall be no outdoor advertising display signs permitted.

f. The home occupation shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere. Also, all storage of materials associated with the home occupation shall not be openly visible and the display of materials, implements, and/or end products shall be prohibited.

g. No additional points of access to any street, road, or highway shall be permitted, unless necessary to provide safe and proper access to the proposed use.

h. The use has not been found likely to become a nuisance by reason of odor, dust, smoke, gas, vibrations, excessive

vehicular or pedestrian traffic or to impose a hazard to health or property.

D. Other Uses - Greenhouse/nurseries, kennels, commercial riding stables, and private landing strips for single engine fixed-wing aircraft provided the following minimum requirements are met:

1. A site plan of the proposed landing strip shall be presented at the time of the appeal.

2. A minimum of 25 acres of land is required.

3. The landing strip shall be a minimum of one hundred (100) feet wide and two thousand (2,000) feet long.

4. No landing strip shall be located any closer than two hundred (200) feet from any residence.

5. The landing strip shall be situated in such a manner that under no circumstances, shall an approach or departure be over a residence, provided that the residence be located a minimum of two hundred (200) feet beyond the end of the required two thousand (2,000) feet for the landing strip.

6. Any other requirements which in the opinion of the Board of Zoning Appeals should be required to protect the safety and welfare of the surrounding area.

E. Homes for the Aged-provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located, and provided further that:

1. Size - There is a minimum lot size of five (5) acres or more as required by the Madison County Health Department for sewerage disposal, whichever is greater.

2. Fire Protection - The proposed use is located within a five minute response time from a fire station as certified by the Madison County Fire Chief.

3. Public water - The proposed use is served by a minimum six (6) inch water line with a fire hydrant located within 250 feet as certified by the appropriate utility district.

4. Licensing - That any local, state or federal license be secured by the applicant prior to approval.

5. Sewage disposal - that the site is served by public sewer or that approval for sewage disposal has been secured from the Madison County Health Department.

6. Zoning provisions - That all provisions of the Zoning Resolution be met.

7. Screening and buffering - That the proposed use be adequately screened and buffered from adjoining properties as determined by the Board of Zoning Appeals.

8. Undesirable effects - The proposed use shall not generate noise, odor, fumes, smoke, nor nuisance of any kind which would lend to depreciate the residential character of the neighborhood in which the proposed use is located.

9. Access - That the proposed use is located on a Collector or Arterial Status Street.

F. Bar-be-que Pits provided the following minimum requirements are met:

1. The facility can operate for three consecutive days not more than six times in one year.

2. The facility is to be on a lot separate from any residence.

3. A minimum lot size of 1/2 acre.

4. A site plan will be presented showing lot dimensions, location of the pit on the site, parking, ingress and egress onto public roads and any other information the board feels appropriate.

G. Day Care Centers meeting or exceeding the requirements and standards set forth by the Department of Human Services. The Board of Zoning Appeals may attach reasonable conditions that in

its opinion are needed to protect the integrity of the area. These conditions may include, but may not be limited to: screening requirements, access and parking requirements, and distance requirements (as it relates to adjoining property).

H. Lodge halls, Private clubs and Civic organizations, not operated for gain may be allowed by the Board of Zoning Appeal, provided the following conditions are met:

1. A minimum lot size of ten (10) acres shall be required.

2. No structure or parking facility shall be located within two hundred (200) feet of an adjacent property line or within three hundred feet (300) of a public street.

3. The Board of Zoning Appeals shall ensure that the proposed use will not involve excessive noise or other obnoxious disruptions to surrounding property owners. Specifically, there shall be no amplifiers or loud speakers of any kind installed outside any building.

4. The proposed facility shall meet the requirements of the Madison County Health Department for subsurface sewage disposal or any other Health Department requirements that would be applicable.

5. All lighting shall be designed in such a manner as not to reflect on adjacent properties.

6. One sign is allowed, not to exceed twenty (20) square feet in area and ten (10) feet in height. Lighting for the sign, if any, shall be indirect illumination. Said sign shall also be located a minimum of fifteen (15) feet from the edge of the street pavement.

7. A landscape plan is required when any part of the facilities, including parking lot, can be viewed from public view. Said landscape plan shall ensure that the facilities are adequately screened from adjacent properties.

8. Adequate off-street parking shall be provided in accordance with this Resolution, which shall be paved and striped.

9. Those uses whose primary purpose is the sale and consumption of alcoholic beverages are prohibited under this section.

10. Those uses whose primary purpose if for the operation of open shooting ranges are prohibited under this section.

11. The Board of Zoning Appeals may require a drainage plan or other information in determining the appropriateness of a particular use. The purpose of said studies or information will be to mitigate any adverse impacts which the proposed use may have on the area it is locating.

12. The Board of Zoning Appeals may place other conditions or safeguards on their approval to ensure that the use will be in harmony with its surroundings and to reduce any adverse impact to other properties in the area.

I. Commercial Mobile Communication Services (CMCS) – as regulated by Chapter 2, Section 2.14.

J. Accessory Dwelling Units (ADU) - as regulated in Chapter 2 Section 2.17.

K. Bed and Breakfast.

4.03 Uses Prohibited - All uses not specifically permitted herein.

4.04 Minimum Lot Size

A. Uses Permitted Without Appeal - one acre

B. Uses Permitted on Appeal

1. Churches - one acre or two hundred (200) square feet of lot area per auditorium seat, whichever is greater.

2. Schools - five (5) acres plus one acre for each one hundred (100) students.

3. Other uses - as required by the Board of Zoning Appeals.

4.05 Minimum Lot Width

A. Uses Permitted Without Appeal - One hundred (100) feet.

B. Uses Permitted on Appeal

1. Churches and Schools - two hundred (200) feet or more as required by the Board of Zoning Appeals.

2. Other uses - as required by the Board of Zoning Appeals.

4.06 Minimum Front Yard Depth

A. Uses Permitted Without Appeal

1. All lots fronting on arterial streets - sixty (60) feet.

2. All other lots - forty (40) feet.

B. Uses Permitted on Appeal

1. Travel trailer parks and mobile home parks as required by the Board of Zoning Appeals.

2. Other Uses

(a) All lots with frontage on arterial streets sixty (60) feet or more as required by the Board of Zoning Appeals.

(b) All other lots - forty (40) feet or more as required by the Board of Zoning Appeals.

4.07 Minimum Side Yard Width

A. Uses Permitted Without Appeal - Fifteen (15) feet on each side.

B. Uses Permitted on Appeal

1. Churches and schools - thirty (30 feet or more as required by the Board of Zoning Appeals.

2. Travel trailer parks and mobile home parks as required by the Board of Zoning Appeals.

3. Other Uses - fifteen (15) feet or more as required by the Board of Zoning Appeals.

4.08 Minimum Rear Yard Depth

A. Uses Permitted Without Appeal - thirty (30) feet.

B. Uses Permitted on Appeal

1. Travel trailer parks and mobile home parks as required by the Board of Zoning Appeals.

2. Other uses - thirty (30 feet or more as required by the Board of Zoning Appeals.

4.09 Maximum Building Coverage (total for all buildings)

A. Uses Permitted Without Appeal - twenty-five (25 percent of the area of such lot.

B. Uses Permitted on Appeal

1. Mobile Home Parks - as required by the Board of Zoning Appeals.

2. Other uses - fifty (50) percent or less as required by the Board of Zoning Appeals.

4.10 Maximum Height of Buildings - For all buildings the maximum height is thirty-five (35 feet).

CHAPTER 5

PROVISIONS GOVERNING FR FRINGE RESIDENTIAL DISTRICTS

General Provisions - This district is intended primarily to allow medium density residential development in areas suitable for such development. These areas tend to have access to a public water system but not a public sewerage system. This situation is reflected in the district regulations. Aside from the residential uses permitted by right in this district, certain residential and other uses which provide various services to the district, or the district and other parts of the county are permissible on appeal, provided that appropriate conditions and safeguards are satisfied.

Within the FR (Fringe Residential) Districts the following regulations shall apply:

5.01 Uses Permitted

A. Residential Uses - Single family dwellings, mobile homes and customary accessory buildings.

B. Signs - Real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.

5.02 Uses Permitted on Appeal - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit:

A. Residential Uses - Mobile home parks which meet the requirements of Section 2.12, and customary accessory buildings for these uses.

B. Public and Semi-Public Uses - Churches, schools, other suitable public and semi-public uses; and customary accessory buildings for these uses.

C. Home Occupations - Home occupations, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the area in which the proposed use is located; and provided further that:

a. The home occupation shall be limited in employment to residents of the property.

b. The home occupation shall be clearly incidental and secondary to the use of the site for dwelling purposes and shall not change the residential character thereof.

c. The home occupation may be conducted within the dwelling and/or within an accessory building provided that all structures used shall be harmonious in appearance with the residential area.

d. Unless otherwise determined by the Board of Zoning Appeals, there shall be no sales of products or services not produced on the premises.

e. There shall be no external alteration of the appearance of the property, the dwelling, or accessory building in which the home occupation is conducted which would reflect the existence of said home occupation. There shall be no outdoor advertising display signs permitted.

f. The home occupation shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere. Also, all storage of materials associated with the home occupation shall not be openly visible and the display of materials, implements, and/or end products shall be prohibited.

g. No additional points of access to any street, road, or highway shall be permitted, unless necessary to provide safe and proper access to the proposed use.

h. The use has not been found likely to become a nuisance by reason of odor, dust, smoke, gas, vibrations, excessive vehicular or pedestrian traffic or to impose a hazard to health or property.

D. Day Care Centers meeting or exceeding the requirements and standards set forth by the Department of Human Services. The Board of Zoning Appeals may attach reasonable conditions that in

its opinion are needed to protect the integrity of the area. These conditions may include, but may not be limited to: screening requirements, access and parking requirements, and distance requirements (as it relates to adjoining property).

E. Commercial Mobile Communication Services (CMSC) – as regulated in Chapter 2, Section 2.14.

F. Accessory Dwelling Units (ADU)–as regulated in Chapter 2, Section 2.17.

5.03 Uses Prohibited - All uses not specifically permitted herein.

5.04 Minimum Lot Size

A. Uses Permitted Without Appeal - one-half acre

B. Uses Permitted on Appeal

1. Churches - one acre or two hundred (200) square feet of lot area per auditorium seat, whichever is greater.

2. Schools - five (5) acres plus one acre for each one hundred (100) students.

3. Other uses - as required by the Board of Zoning Appeals.

5.05 Minimum Lot Width

A. Uses Permitted Without Appeal - One hundred (100) feet.

B. Uses Permitted on Appeal

1. Churches and Schools - two hundred (200) feet or more as required by the Board of Zoning Appeals.
2. Other uses - as required by the Board of Zoning Appeals.

5.06 Minimum Front Yard Depth

A. Uses Permitted Without Appeal

1. All lots fronting on arterial streets - sixty (60) feet.
2. All other lots - forty (40) feet.

B. Uses Permitted on Appeal

1. Travel trailer parks and mobile home parks as required by the Board of Zoning Appeals.

2. Other Uses

(a) All lots with frontage on arterial streets sixty (60) feet or more as required by the Board of Zoning Appeals.

(b) All other lots - forty (40) feet or more as required by the Board of Zoning Appeals.

5.07 Minimum Side Yard Width

A. Uses Permitted Without Appeal - Fifteen (15) feet on each side.

B. Uses Permitted on Appeal

1. Churches and schools - thirty (30 feet or more as required by the Board of Zoning Appeals.

2. Travel trailer parks and mobile home parks as required by the Board of Zoning Appeals.

3. Other Uses - fifteen (15) feet or more as required by the Board of Zoning Appeals.

5.08 Minimum Rear Yard Depth

A. Uses Permitted Without Appeal - thirty (30) feet.

B. Uses Permitted on Appeal

1. Travel trailer parks and mobile home parks as required by the Board of Zoning Appeals.

2. Other uses - thirty (30 feet or more as required by the Board of Zoning Appeals.

5.09 Maximum Building Coverage (total for all buildings)

A. Uses Permitted Without Appeal - twenty-five (25 percent of the area of such lot.

B. Uses Permitted on Appeal

1. Mobile Home Parks - as required by the Board of Zoning Appeals.

2. Other uses - fifty (50) percent or less as required by the Board of Zoning Appeals.

5.10 Maximum Height of Buildings - For all buildings the maximum height is thirty-five (35 feet).

CHAPTER 6

PROVISIONS GOVERNING MR MULTIFAMILY RESIDENTIAL DISTRICT

General Description – This district is intended primarily for higher density multifamily residential development than is suitable for FAR (Forestry-Agriculture-Recreation) Districts or for FR (Fringe Residential) Districts. Areas suitable for multifamily residential development tend to have access to a wide range of public services to include a public water system, sanitary sewer and adequate fire protection. This situation is reflected in the district regulations. The district is also intended to allow on appeal uses other than residential, which provide various services to the residents of the district and other parts of the county provided that appropriate conditions and safeguards are satisfied.

Within the MR (Multifamily Residential) Districts the following regulations shall apply:

6.01 Uses Permitted

A. Residential Uses – Residential buildings for any number of dwelling units, provided that a minimum lot area per dwelling unit meets the requirements set forth in this section, but not including trailer and mobile homes.

6.02 Uses Permitted on Appeal - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit:

A. Residential Uses - Mobile home parks which meet the requirements of Section 2.12; travel trailer parks; and customary accessory buildings for these uses.

B. Public and Semi-Public Uses - Churches, schools, other suitable public and semi-public uses and customary accessory buildings for these uses.

C. Home Occupations - Home occupations, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the area in which the proposed use is located; and provided further that:

a. The home occupation shall be limited in employment to residents of the property.

b. The home occupation shall be clearly incidental and secondary to the use of the site for dwelling purposes and shall not change the residential character thereof.

c. The home occupation may be conducted within the dwelling and/or within an accessory building provided that all structures used shall be harmonious in appearance with the residential area.

d. Unless otherwise determined by the Board of Zoning Appeals, there shall be no sales of products or services not produced on the premises.

e. There shall be no external alteration of the appearance of the property, the dwelling, or accessory building in which the home occupation is conducted which would reflect the existence of said home occupation. There shall be no outdoor advertising display signs permitted.

f. The home occupation shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere. Also, all storage of materials associated with the home occupation shall not be openly visible and the display of materials, implements, and/or end products shall be prohibited.

g. No additional points of access to any street, road, or highway shall be permitted, unless necessary to provide safe and proper access to the proposed use.

h. The use has not been found likely to become a nuisance by reason of odor, dust, smoke, gas, vibrations, excessive vehicular or pedestrian traffic or to impose a hazard to health or property.

D. Day Care Centers meeting or exceeding the requirements and standards set forth by the Department of Human Services. The Board of Zoning Appeals may attach reasonable conditions that in its opinion are needed to protect the integrity of the area. These conditions may include, but may not be limited to: screening

requirements, access and parking requirements, and distance requirements (as it relates to adjoining property).

E. Commercial Mobile Communication Services (CMSC), as regulated by Chapter 2, Section 2.14.

F. Accessory Dwelling Units (ADU)-as regulated in Chapter 2 Section 2.17.

6.03 Uses Prohibited - Any use not specifically permitted herein.

6.04 Minimum Lot Size

A. Lots with sanitary sewer

1. Single-family dwellings – 9,000 square feet.

2. Two-family dwellings – 15,000 square feet.

3. Multifamily dwellings – There shall be a lot area of not less than 9,000 square feet for the first unit, plus an additional 5,000 square feet for each additional unit. Where a proposed development has sufficient land area to meet the requirements of an odd number of dwelling units, but would not meet the requirements of the next even number, then the County Building Commissioner or the Board of Zoning Appeals could permit the addition of the next even unit, provided all other requirements of this section have been met.

B. Lots Without Sanitary Sewer

Each residential dwelling unit use will have a minimum lot size of 20,000 square feet or conform to the standards of the Madison County Health Department, whichever size is larger.

6.05 Minimum Yard Size

Front: Thirty (30) feet. This is in addition to one-half the designated rights-of way width as specified on the Road and Street Plan.

Side: Ten (10) feet on each side.

Rear: Twenty (20) feet.

6.06 Building Area

On any lot the total area occupied by all buildings, including accessory buildings, shall not exceed thirty (30%) percent of the total area of such lot.

6.07 Maximum Height

To and one-half (2 ½) stories or thirty-five (35) feet except when in the opinion of the Planning Commission a greater height would be more acceptable and the property in question meets the following conditions:

A. Adequate fire protection is assured.

B. Sanitary Sewer, either public or private, is available to the property.

C. Only 25% of the lot can be covered with buildings.

D. No building erected closer than 30 feet to any property line.

E. A minimum lot area of 9,000 square feet per dwelling unit.

CHAPTER 7
PROVISIONS GOVERNING C-1 (CONVENIENCE COMMERCIAL) DISTRICTS

General Description - Basically, this district is intended to provide frequently used goods and services in rural areas inappropriate for large commercial centers. It serves small geographical areas and is often located in less intensively developed places than the general commercial (C-2) district. Access to suitable roads, convenience to local residents, an adequate market area, and a rural character are encouraged.

Within the C-1 (Convenience Commercial) District the following regulations shall apply:

7.01 Uses Permitted

A. Retail Sales - Grocery stores, drug stores (no fountain services allowed), and gift shops.

B. Services - Barber shops, beauty shops, laundry and dry cleaning collection stations, self-service laundries, shoe repair services and restaurants. Gasoline stations are also allowed, provided that there shall be no major repair work conditions, nor shall any motor vehicle be kept on the premises that cannot be removed by its own power.

C. Signs - Off-premise signs as regulated by this and other chapters of this resolution and provided the Rules and Regulations for the Control of Outdoor Advertising, Tennessee Department of Transportation, Bureau of Operations, Maintenance Division, Highway Beautification Section are complied with.

D. Other Uses - Accessory buildings and uses customarily incidental to any use listed in this chapter as being permitted without appeal.

7.02 Uses Permitted on Appeal – Commercial Mobile Communication Services (CMCS) as regulated by Chapter 2, Section 2.14.

7.03 Uses Prohibited - Dwellings and other uses not specifically permitted with or without appeal in this chapter.

7.04 Minimum Lot Size - One (1) acre minimum or larger as required to satisfy size requirements of the Madison County Health Department for sewage disposal.

7.05 Minimum Lot Width - one hundred and fifty (150) feet.

7.06 Minimum Front Yard Depth

A. Lots fronting on arterial streets - fifty (50) feet.

B. All other Lots - twenty-five (25) feet.

7.07 Minimum Side Yard Width - No side yard is required except the width of a side yard which abuts a residential district shall not be less than twenty (20) feet.

7.08 Minimum Rear Yard Depth - Where a building is to be serviced from the rear, there shall be provided an alley, service court, rear yard of combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than ten (10) feet. In all other cases no rear yard is required.

7.09 Maximum Building Coverage (total for all buildings) - sixty percent (60%).

7.10 Maximum Height of Building - No building shall exceed one story or twenty-five (25) feet in height.

7.11 Off-street Parking, Loading, and Unloading Requirements - As indicated in Chapter 2, Section 2.09 and 2.10.

CHAPTER 8
PROVISIONS GOVERNING
C-2 (GENERAL COMMERCIAL CENTER) DISTRICT

General Description - The primary purpose of this district is to allow a wide range of commercial establishments in rural communities and at major highway interchanges.

It provides rural residents of the county and travelers with an opportunity to have adequate access to a variety of commercial goods and services through concentrations of general commercial activities rather than through extended strip commercial areas. Regulations are designed so as to discourage formation of future commercial slums, to preserve the carrying capacity of streets, to provide for adequate off-street parking, and to reflect the rural area characteristics of the district and surrounding areas. In addition certain other uses are allowed on appeal, provided that appropriate conditions and safeguards are satisfied.

Within the C-2 (General Commercial Center) District the following regulations shall apply:

8.01 Uses Permitted

A. Retail Sales - Agricultural implements sales and services, air conditioning, heating, and plumbing supplies, automobile parts, automobile sales and service; book stores, camera shops, hardware stores, hobby shops; household appliances, jewelry stores, lawn mower sales and service, motorcycle and bicycle sales and service, musical instruments; newspaper stands, nursery and greenhouse, paint and wallpaper, records and phonographs, shoes, sporting goods, tires; variety stores; and welding supplies.

B. Services - Animal hospital; automobile repair garages, automobile service stations, banks; barber shops; beauty shops, beauty and barber schools; business art and music schools; commercial recreation; driving schools; funeral homes, laundry and dry cleaning establishments, medical business and professional offices, motel and hotels, movie theaters and billiard parlors, pest exterminator, photography studios; printing, radio and television sales and services; restaurants, savings and load associations; shoe repair; tailoring and dress making, tire repair and recapping, truck stops, reupholster shops and watch repair.

C. Signs - Off-premise signs as regulated by this and other chapters of this resolution and provided the Rules and Regulations for the Control of Outdoor Advertising, Tennessee Department of Transportation, Bureau of Operations, Maintenance Division, Highway Beautification Section are complied with.

D. Other Uses - Churches; other semi-public uses; public uses, signs and the accessory buildings customarily incidental to any use listed in this chapter as being permitted without appeal.

8.02 Uses Permitted on Appeal - Following public notice and hearing and subject to appropriate conditions and safeguards the Board of Zoning Appeals may permit:

A. Retail Sales and Services - Retail sales and service establishments which involve activities not mentioned as uses permitted without appeal in this chapter and which will not be detrimental to the district. These retail sales and service uses should be construed to include customary accessory buildings.

B. Other Uses - Wholesale and distribution establishments not involving over five thousand (5,000) square feet for storage of wares to be wholesaled or distributed, public transportation service and repair, and accessory structures which are customarily incidental to such uses.

C. Commercial Mobile Communication Services (CMSC) as regulated by Chapter 2, Section 2.14.

D. Adult Entertainment establishments as regulated by Chapter 2, Section 2.15.

E. Mini-Warehouses as regulated by Chapter 2, Section 2.16.

8.03 Uses Prohibited - Dwellings and other uses not specifically permitted with or without appeal in this chapter.

8.04 Minimum Lot Size

A. One (1) acre minimum or larger as required to satisfy size requirements of the Madison County Health Department for sewage disposal.

B. Uses Permitted on Appeal - One (1) acre minimum or larger as required by the Board of Zoning Appeals.

8.05 Minimum Lot Width

A. Uses Permitted Without Appeal - 150 feet.

B. Uses Permitted on Appeal - 150 feet or more as required by the Board of Zoning Appeals.

8.06 Minimum Front Yard Depth

A. Uses Permitted Without Appeal

1. All lots fronting on an arterial street - fifty (50) feet.
2. All other lots - twenty-five (25) feet.

B. Uses Permitted on Appeal

1. All lots fronting on arterial streets - fifty (50) feet or more as required by the Board of Zoning Appeals.

2. All other lots - twenty-five (25) feet or more as required by the Board of Zoning Appeals.

8.07 Minimum Side Yard Width

A. Uses Permitted Without Appeal - No side yard is required, except that the width of a side yard which abuts a residential district shall not be less than twenty (20) feet.

B. Uses Permitted on Appeal - As required by the Board of Zoning Appeals, provided that the width of a side yard which abuts a residential district shall not be less than twenty (20) feet.

8.08 Minimum Rear Yard Depth

A. Uses Permitted Without Appeal
   1. Retail sales and service establishments - Where a building is to be serviced from the rear, there shall be provided an alley, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than ten (10) feet. In all other cases no rear yard is required.

2. Other Uses - The depth of a rear yard which abuts a residential district shall not be less than ten (10) feet. In all other cases no rear yard is required.

B. Uses Permitted on Appeal - Where a building is to be serviced from the rear, there shall be provided an alley, service court, rear yard, or combination thereof thirty (30) feet or more is required by the Board of Zoning Appeals. The depth of a rear yard which abuts a residential district shall be ten (10) feet or more as required by the Board of Zoning Appeals.

8.09. Maximum Building Coverage (total for all buildings)

A. Uses Permitted Without Appeal - sixty (60) percent.

B. Uses Permitted on Appeal - sixty (60) percent or less as required by the Board of Zoning Appeals.

8.10 Maximum Height of Buildings

A. Buildings in General - No building shall exceed thirty-five (35) feet in height unless the lot is fifty (50) feet or more in width and unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet.

B. Accessory Buildings - No accessory building shall exceed thirty-five (35) feet in height.

8.11 Off-street Parking. Loading, and Unloading Requirements

As indicated in Chapter 2, Section 2.09 and 2.10.

CHAPTER 9
PROVISIONS GOVERNING
C-3 (ENTERTAINMENT) DISTRICT

General Description - This district is intended to regulate the location of uses whose primary service provides for entertainment and consumption of beverages. Due to the high volume of traffic generated and the extended periods of operation associated with this type district, the restrictions governing the C-3 district are somewhat more restrictive than in other commercial districts. Due to these factors, these zones should be limited and should be located considering such factors as access to suitable roads, compatibility with surrounding property, and service area of the establishment.

Within the C-3 (Entertainment) District the following regulations shall apply:

9.01 Uses Permitted

A. Bars, Night Clubs, Private Clubs, Taverns and Dance Halls.

B. Signs - Off-premise signs as regulated by this and other chapters of this resolution and provided the Rules and Regulations for the Control of Outdoor Advertising, Tennessee Department of Transportation, Bureau of Operations, Maintenance Division, Highway Beautification Section are complied with.

C. Other Uses - Accessory Buildings and uses customarily incidental to any use listed in this Chapter as being permitted without appeal.

9.02 Uses Permitted on Appeal – Commercial Mobile Communication Services (CMCS) as regulated by Chapter 2, Section 2.14.

9.03 Uses Prohibited - Uses not specifically permitted.

9.04 Minimum Lot Size - Three (3) acres.

9.05 Minimum Lot Width - Two hundred (200) feet.

9.06 Minimum Front Yard Depth - Fifty (50) feet.

9.07 Minimum Side Yard Width - Twenty-five (25) feet.

9.08 Minimum Rear Yard Width - Fifty (50) feet.

9.09 Maximum Building Coverage - Twenty-five (25) percent of the area of such lot.

9.10 Maximum Height of Building - For all buildings, the maximum height shall not exceed thirty-five (35) feet.

9.11 Accessory Building - Accessory buildings shall include storage buildings and accessory uses customarily incidental to the previously permitted uses, but not involving the conduct of the business nor containing inhabitable space.

A. Accessory building shall not extend beyond the front building line or the principal structure nor shall they extend into the required rear or side yard.

B. Such building shall not be closer than fifteen (15) feet to the main building.

C. Accessory building shall not exceed twenty (20) feet in height or be located closer than five (5) feet to any recorded easement.

9.12 Periphery Buffering and Screening - Where an establishment in a C-3 district adjoins a residential district, the developer must provide adequate screening and buffering as required by the Planning Commission. The screening should be suitable to prevent encroachment of the C-3 development on the adjacent residential district.

9.13 Approval Process

A. Preliminary Plan Approval

Prior to the approval of any commercial development in a C-2 zone, the developer shall submit a preliminary site plan within fifteen (15) days of the next regularly scheduled Planning Commission meeting for the purpose of site plan review. The preliminary site plan shall be drawn to a scale of 1”=100’ and include:

(1) Existing zoning
(2) Existing and proposed roads and drainage
(3) Curb cuts, drives, and parking areas
(4) Required parking
(5) Lot lines
(6) Building lines
(7) Boundaries, tracts, and names of adjacent property owners

(8) Proposed and existing utilities
(9) Contours at vertical intervals of five (5) feet or less
(10) A vicinity map showing the relation of the proposed development to the surrounding county.
(11) Proposed landscaped areas
(12) Show the relation of the development to:
    (a) the street system
    (b) the surrounding property and use districts

B. Final Plan Approval

After approval of the preliminary plan by the Planning Commission and prior to the issuance of any building permit, construction permit, or construction contract, the developer must secure Planning Commission approval of the final plan. The final plan shall embody all the requirements imposed by the Planning Commission.

The final plan shall be drawn to a scale of 1"=100' and shall include:

(1) Existing and proposed roads
(2) Curb cuts, drives, and parking areas
(3) Required parking
(4) Lot lines
(5) The building line and location of all structures to be built on the site.
(6) Landscaping

Furthermore, the final plan must:

(1) Meet the design features set forth in the preliminary plan section.
(2) Contain certification by a licensed civil engineer that said boundaries have been surveyed and are true and correct.
(3) Provide a form for certification of approval by the secretary of the Planning Commission.

CHAPTER 10
PROVISIONS GOVERNING PLANNED COMMERCIAL DISTRICT

GENERAL DESCRIPTION - This district is intended to allow for the development of shopping and commercial centers of integrated design of various sizes to serve various areas of the community and region. Land use studies indicate more than ample area and road frontage exists for present and future commercial needs along major thoroughfares. However, in addition to area and frontage considerations, public convenience, safety, and general welfare require that additional considerations be met such as:

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

2. The tracts on which such facilities are to be located should be of such size, shape, and location as to enable development of well organized commercial facilities with proper access to streets, ingress-egress, off-street parking, loading spaces, 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 ensure that the development will enhance rather than diminish the value of adjacent property.

Two (2) types of land area will be considered for C-4 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 zone for commercial uses in whole or in part in areas not now served by appropriate and convenient facilities.

10.01 USES PERMITTED

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

1. Any of the following uses or those of similar nature 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 that meet or exceed the requirements and standards set forth by the Department of Human Services, and provided further that:

1. 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.
2. A screening, either vegetative or masonry wall, shall be provided between fenced play areas and residential lot lines.
3. All outdoor play activities shall be conducted within the fenced play area.
4. Ample off-street parking shall be provided.
5. Access to the facility from nearby streets shall be adequate to ensure safety based upon the number of participants projected to attend the facility.

7. Winery that meet or exceed the provisions contained within Tennessee Code Annotated, Title 57, Chapter 3, Parts 207 and 208.

10.02 AREA REGULATIONS

1. Lot Area

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

2. Yards

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

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

b. Where the planned commercial development 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.

10.03 HEIGHT REGULATIONS

No building shall exceed thirty-five (35) feet in height.

10.04 PARKING AND ACCESS

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

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

10.05 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 commercial development abuts a residential district, the Planning Commission may require a wall, fence, or 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 or building, nor shall this space be used as area used for computing the required parking ratio.

PROHIBITED USES

1. Storage and display of merchandise outside an enclosed building or structure.
2. All uses not of a nature specifically permitted herein.

10.07 ADMINISTRATIVE PROCEDURES FOR PLANNED COMMERCIAL DEVELOPMENTS

Any application for rezoning for a planned commercial development for any area shall include the following, in addition to the administrative requirements set forth in Chapter 18 of this Resolution:

1. The developer, when petitioning for rezoning for a planned 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, ad 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 for in Chapter 18 of this Resolution.

3. If favorable action is taken by the Madison County Commission on the petition fro 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 Madison County Commission. The Madison County Commission may, at its discretion, rezone the parcel under consideration to its previous classification.

4. A building permit shall not be issued by the Madison County Building Official until the preliminary development plan specified in this section has been reviewed and approved by the Planning Commission, and construction plans have been reviewed and 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 ensure compliance with the requirements, purpose, and intent of this

section, and no building permit shall be issued for any construction that is not in substantial conformity with the approved plans.

END OF C-4 DISTRICT REGULATIONS

CHAPTER 11

PROVISIONS GOVERNING
R-C (RECREATION) DISTRICT

11.01 Uses Permitted

Any use listed under uses permitted in the FAR (Forestry-Agriculture-Recreation) District regulations of this resolution are also permitted in the RC (Recreation) District.

11.02 Uses Permitted on Appeal - Following public notice and hearing and subject to appropriate condition and safeguards, the Board of Zoning Appeals may permit:

A. Golf Courses and Driving Ranges

B. Riding Stables and Equestrian Centers

C. Playgrounds, Athletic Fields, Tennis Courts

D. Paintball Fields

E. Camping and picnicing areas

F. Boat rental and Boat Access sites

G. Hunting and Fishing Clubs

H. Other recreational uses that are similar in character to those listed above as approved by the Madison County Board of Zoning Appeals.

I. Commercial Mobile Communication Services (CMCS) – as regulated by Chapter 2, Section 2.14 of this resolution.

11.03 Prohibited uses- Recreation uses such as those listed below are specifically prohibited:

A. Amusement uses such as video arcades, miniature golf, go-cart tracks, batting cages

B. Shooting Ranges

C. Race tracks

D. Any use not specifically permitted or approved by the Board of Zoning Appeals is prohibited.

11.04 Minimum Lot Size- Five (5) Acres

11.05 Minimum Lot Width- Two-hundred Fifty (250) Feet

11.06 Minimum Front Yard Depth- One-hundred (100) Feet

11.07 Minimum Side Yard Width- Fifty (50) Feet

11.08 Minimum Rear Yard Depth- Fifty (50) Feet

11.09 Maximum Height of Building- Twenty-five (25) Feet

11.10 Off-street Parking Requirements- Refer to Chapter 2, Section 2.09 and 2.10

END OF R-C DISTRICT REGULATIONS

CHAPTER 12
PROVISIONS GOVERNING
M-1 (LIGHT INDUSTRIAL) DISTRICT

General Description - The primary purpose of this district is to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials and warehousing or storage. Generally, these districts allow for industrial uses suitable in character to rural areas and would not be suitably fitted into the county's industrial parks due to the size and character of their operation. These uses generally require routes. Due to the nature of these districts consideration should be given to compatibility with surrounding area, effect on surrounding property, and accessibility. The regulations governing this district are intended to prohibit congestion and to protect activities conducted in adjacent districts.

Within the M-1 (Light Industrial) District the following regulations shall apply:

12.01 Uses Permitted

a. Manufacturing, processing or fabrication; canned or preserved fruits or vegetables, bakery products; bottling and package plants; candy and confectioneries; furniture and tools.

b. Agricultural implement warehousing and distribution facilities, building materials and lumber yards, furniture and appliance warehousing and distribution facilities, public utilities, and other wholesaling and warehousing activities.

c. Grainery facilities, gins, slaughterhouses and meat package facilities.

d. Gasoline or oil storage, provided that no storage or building shall be closer than 100 feet to any property line other than a property line abutting a railroad right-of-way.

e. Sand or gravel extraction or storage operation.

f. A retail or service use only where it directly serves or is incidental to the principal industrial use.

g. Freighting or trucking yards or terminals.

h. Research laboratories.

i. Signs - Off-premise signs as regulated by this and other chapters of this resolution and provided the Rules and Regulations for the Control of Outdoor Advertising, Tennessee Department of Transportation, Bureau of Operations, Maintenance Division, Highway Beautification Section are complied with.

j. Accessory uses customarily incidental to any aforementioned permitted use.

12.02 Uses Permitted on Appeal - Following public notice and hearing and subject to appropriate conditions and safeguards the Board of Appeals may permit:

A. Manufacturing, Wholesaling, and distribution - Manufacturing, wholesaling and distribution establishments which involve activities not mentioned as uses permitted without appeal in this Chapter and which will not be detrimental to the district.

B. Retail Sales and Services - Retail sales and service establishments which involve activities not mentioned as uses permitted without appeal in this chapter and which will not be detrimental to the district.

C. Automobile junk and storage, provided: After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

(1) Automobile junk and storage yard, provided:

(a) Total area shall not be less than two (2) acres.
(b) Entire site must be located in such a manner that adequate drainage is assured.
(c) Area to be used for storage of junk vehicles must be entirely enclosed by a metal chain fence to a height of not less than six (6) feet.
(d) No portion of the fenced storage area shall be closer than one hundred (100) feet to any residential district nor closer than seventy-five (75) feet to any street right-of-way, nor closer than twenty (20) feet to any other property lines.
(e) Such yards shall be so maintained that they will not be a menace to the public health or safety.
(f) There shall be no burning of wrecked automobiles or other products.

(g) Three (3) staggered rows of pine trees shall be planted between the chain fence and the property line, except that an evergreen edge not less than four (4) feet in height shall be planted adjacent to the chain fence along the front property line.

D. Commercial Mobile Communication Services (CMCS) as regulated by Chapter 2, Section 2.14.

E. Electric Generating Facilities – Definition. As used in this section an electric generating facility is defined as a structure, apparatus or feature incorporating machinery or equipment, designed to produce electricity for power consumption. This section does not apply to portable electric generators for personal or commercial use as a temporary power source, or facilities utilizing standby electric generators as a backup power source in the event of a power failure.

12.03 Uses Prohibited - Dwellings and other uses not specifically permitted with or without appeal in this chapter.

12.04 Minimum Lot Size

A. Uses Permitted Without Appeal - One (1) acre minimum or more to satisfy the Madison County Health Department for sewage disposal.

B. Uses Permitted on Appeal - One (1) acre or more as required by the Board of Zoning Appeals.

12.05 Minimum Lot Width

A. Uses Permitted Without Appeal - No lot shall be less than one hundred fifty (150) feet wide at the building setback line.

B. Uses Permitted on Appeal - As required by the Board of Zoning Appeals.

12.06 Minimum Front Yard Depth

A. Uses Permitted Without Appeal

1. All lots fronting on an arterial street fifty (50) feet.
2. All other lots - twenty-five (25) feet.

B. Uses Permitted on Appeal

1. All lots fronting on an arterial street fifty (50) feet or more as required by the Board of Zoning Appeals.

2. All other lots - twenty-five (25) feet or more as required by the Board of Zoning Appeals.

12.07 Minimum Side Yard Width

A. Uses Permitted Without Appeal - The minimum width of the side yard shall be twenty (20) feet. No side yard will be required for that portion of a lot which fronts on a railroad or spur line.

B. Uses Permitted on Appeal - As required by the Board of Zoning Appeals, provided that the width of the side yard shall not be less than twenty (20) feet. No yard shall be required for that portion of a lot which fronts on a railroad or spur line.

12.08 Minimum Rear Yard Depth

A. Uses Permitted Without Appeal - The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or spur line.

B. Uses Permitted on Appeal - As required by the Board of Zoning Appeals, provided that the depth of a rear yard shall not be less than thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or spur line.

12.09 Maximum Building Coverage (total for all buildings)

A. Uses Permitted Without Appeal - Sixty (60) percent.

B. Uses Permitted on Appeal - Sixty (60) percent or less as required by the Board of Zoning Appeals.

12.10 Maximum Height of Buildings

A. Buildings in General - No building shall exceed thirty -five (35) feet in height.

B. Accessory buildings - No accessory building shall exceed thirty-five (35) feet in height.

12.11 Off-street Parking Loading and Unloading Requirements - As indicated in Chapter 2, Section 2.09 and 2.10.

END OF M-1 DISTRICT REGULATIONS

CHAPTER 13
PROVISIONS GOVERNING
HC (HISTORICAL CULTURAL) DISTRICT

General Description - The Historical and Cultural district shall be overlaid on existing districts to designate areas, sites, and structures of sufficient historical and cultural significance to warrant public protection. The historic district provisions are established in order that appropriate measures may be taken to ensure preservation of structures of historic value to Madison County pursuant to authority contained in Section 13-7-401 of the Tennessee Code Annotated. The general purpose includes, among others, the following specific purposes:

1. To preserve and protect the historical and/or architectural value of buildings, other structures, or historically significant areas.

2. To regulate exterior design, arrangement, texture, and materials, proposed to be used within the historic district to ensure compatibility.

3. To create an aesthetic appearance which compliments the historic buildings or other structures.

4. To stabilize and improve property values.

5. To foster civic beauty.

6. To strengthen the local economy.

7. To promote the use of historic districts for the education, pleasure and welfare of the present and future citizens of Jackson and Madison County.

13.01 Amendments Designating Historical and Cultural Districts - Any amendments to the Zoning Map of the Three Way Planning Region designating historical and cultural districts shall be subject to the following: 1) Chapter 19 of the Official Zoning Resolution, and 2) Review by the Historic Zoning Commission.

The Historic/Cultural District whose boundaries shall be shown on the official Zoning Map, in which, no structure shall be constructed, altered, repaired, relocated, or demolished in this district unless the action complies with the requirements set forth in this Code.

A historic district shall be defined as a geographically definable area which possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects which are united by past events or

aesthetically by plan or physical development, and which meets one or more of the following criteria:

1. That it is associated with an event which has made a significant contribution to local, state, or national history; or

2. That it includes structures associated with the lives of persons significant with local, state, or national history; or

3. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

4. That has yielded or may be likely to yield archeological information important in history or prehistory; or

5. That it is listed on the National Register of Historic Places.

13.02 Uses Permitted - The uses permitted and the area regulations of the district in which the site, structure or area is located shall govern.

In addition, the following uses may be permitted, subject to the review and recommendation of the Historic Zoning Commission, and approval of the Board of Zoning Appeals, and provided that no new structure shall hereafter be erected, nor any structure moved, added to or altered externally, nor shall any use hereafter be made in a manner not in keeping with the intent of this section.

A. Museums
B. Offices for non-profit organizations
C. Professional offices, restaurant business
D. Retail uses conducted totally within the existing structure and limited to the following:

Antique shop
Gift shop
Apparel or Dress shop
Candle shop
Card shop
Book store

E. Other stores or shops providing limited retail trade which are in keeping with the intent of this section and are not incompatible with other uses in the district.

F. In residential areas, signs advertising the use permitted provided the following conditions are met:

1. Signs shall be a maximum size not exceeding four and one-half (4½) square feet in area. Such sign shall be located in conformance with the front, side, and rear yard requirements of the district in which it is located. Such sign must also be consistent with the provisions in Section 2.08 except that the second sentence of sub-section D shall not apply to indirectly illuminated signs approved by the Historic Zoning Commission. Design must be in keeping with the intent of the Historical and Cultural District.

13.03 The Jackson-Madison County Historic Zoning Commission, by appointment of the Mayor of Madison County and by confirmation of the Madison County Commission, shall serve as the Historic Zoning Commission for the planning region of Three Way. The Jackson-Madison County Historic Zoning Commission shall have nine (9) members which shall consist of a representative of a local patriotic or historical organization; an architect, if appropriate; a person who is a member of the Jackson Municipal Regional Planning Commission, at the time of such person's appointment; one (1) member from the Madison County Commission; and the remainder shall be from the community in general. An equal number of representatives shall be appointed by the Mayor of the City of Jackson and the Mayor of Madison County, subject to the confirmation by the City Council and the County Commission, except the Jackson Municipal Regional Planning Commission shall nominate the member of that commission who shall serve on the Jackson-Madison County Historic Zoning Commission and that member shall be confirmed by the City Council and the County Commission. The terms of the members of the Jackson-Madison County Historic Zoning Commission shall be five (5) years, except that members appointed initially shall be appointed for staggered terms so that the terms of at lease one (1) member, but no more than two (2) members, shall expire each year. The term of the member nominated from the Jackson Municipal Regional Planning Commission shall be concurrent with the term on the Planning Commission, and the term of the members from the City Council and County Commission shall be concurrent with the terms on the City

Council and the County Commission. All members shall serve without compensation. The Jackson-Madison County Historic Zoning Commission may adopt rules and regulations consistent with the provisions outlined in Tennessee Code Annotated Section 13-7-403(b).

13.04 Approval of the Historic Zoning - After a structure, site or area has been designated as having historical and cultural significance as evidence by rezoning, all applications for building and/or occupancy permits for construction, alteration, repair, moving or demolition, of changes in use of the building or land to be carried on within the historic districts shall be referred by the Building Commissioner to the Historic Zoning Commission who shall have broad powers to request detailed construction plans and related data pertinent to thorough review of the proposal. The Historic Zoning Commission shall, within thirty (30) days following the availability of sufficient data direct the granting of a building and/or occupancy permit with or without attached conditions or direct the refusal of the building and/or occupancy permit and the grounds of refusal stated in writing. Upon review of the application for the building and/or occupancy permit the Historic Zoning Commission shall give prime consideration to: (1) historical and/or architectural value of the present structure; (2) the relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area, (3) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and (4) to any other factor, including aesthetic which it deems to be pertinent. Exclusive jurisdiction relating to historical matters is placed in the nine-member Historic Zoning Commission. Anyone who may be aggrieved by any final order of judgment of this commission may have said order or judgment reviewed by statutory certiorari as is provided for in TCA 27.9.103 and TCA 27-9-103.

CHAPTER 14. PROVISIONS GOVERNING F-H (SPECIAL FLOOD HAZARD) DISTRICTS

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

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Madison County, Tennessee, Mayor and Commissioners, do resolve as follows:

Section B. Findings of Fact

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

3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

Section C. 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 Resolution is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

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

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. <u>Objectives</u>

The objectives of this Resolution are:

1. To protect human life, health, safety and property;

2. To minimize expenditure of public funds for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

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

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

7. To ensure that potential homebuyers are notified that property is in a flood prone area;

8. To maintain eligibility for participation in the NFIP.

ARTICLE II. <u>DEFINITIONS</u>

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution its most reasonable application given its stated purpose and objectives.

<u>"Accessory Structure"</u> means a subordinate structure to the principal structure on the same lot and, for the purpose of this Resolution, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.

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

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

4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

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

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

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

"Area of Special Flood Hazard" see **"Special Flood Hazard Area".**

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

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

"Building" see "**Structure".**

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

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the

unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

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

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

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

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

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

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

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

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

1. The overflow of inland or tidal waters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

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

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

4. Individually listed on the Madison County, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

    a. By the approved Tennessee program as determined by the Secretary of the Interior or

    b. Directly by the Secretary of the Interior.

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

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

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of

vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

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

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

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

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

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

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

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

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

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

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

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area

and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

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

***"State Coordinating Agency"** the Tennessee Emergency Management Association, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

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

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

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

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

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this 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, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Revised: June, 2020

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Resolution shall apply to all areas within the unincorporated area of Madison County, Tennessee.

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

The Areas of Special Flood Hazard identified on the Madison County, Tennessee and Incorporated Areas, as identified by FEMA, and in its Flood Insurance Study (FIS) 47113CV000A dated August 3, 2009 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47113C0020E, 47113C0038E, 47113C0039E, 47113C0040E, 47113C0045E, 47113C0065E, 47113C0070E, 47113C0090E, 47113C0120E, 47113C0125E, 47113C0130E, 47113C0133E, 47113C0134E, 47113C0135E, 47113C0140E, 47113C0143E, 47113C0144E, 47113C0145E, 47113C0151E, 47113C0152E, 47113C0153E, 47113C0154E, 47113C0156E, 47113C0157E, 47113C0158E, 47113C0159E, 47113C0161E, 47113C0163E, 47113C0166E, 47113C0167E, 47113C0168E, 47113C0169E, 47113C0177E, 47113C0179E, 47113C0180E, 47113C0185E, 47113C0190E, 47113C0195E, 47113C0225E, 47113C0230E, 47113C0235E, 47113C0240E, 47113C0245E, 47113C0255E, 47113C0260E, 47113C0265E, 47113C0270E, 47113C0276E, 47113C0277E, 47113C0278E, 47113C0279E, 47113C0281E, 47113C0282E, 47113C0283E, 47113C0284E, 47113C0286E, 47113C0287E, 47113C0288E, 47113C0289E, 47113C0291E, 47113C0295E, 47113C0301E, 47113C0305E, 47113C0310E, 47113C0315E, 47113C0320E, 47113C0330E, 47113C0350E, 47113C0375E, 47113C0384E, 47113C0385E, 47113C0392E, 47113C0395E, 47113C0400E, 47113C0401E, 47113C0403E, 47113C0405E, 47113C0425E, 47113C0430E, 47113C0435E dated August 3,2009 along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

Section C. Requirement for Development Permit

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

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the

governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution 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 Resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Madison County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

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

ARTICLE IV. ADMINISTRATION

Section A. Designation of Resolution Administrator

*The City of Jackson Planning Director is hereby appointed as the Administrator to implement the provisions of this Resolution.

Section B. Permit Procedures

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

1. Application stage

    a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.

*Revised: June, 2020

b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.

c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.

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

2. Construction Stage

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

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

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

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

*3. Finished Construction

Upon completion of construction, a FEMA elevation certificate which depicts all finished construction elevations is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator. Along with the floodproofing certificate an operation and maintenance plan must be provided.

Section C. Duties and Responsibilities of the Administrator

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

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

2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.

5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.

7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.

8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.

*Revised: June, 2020

9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.

10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Madison County**,** Tennessee FIRM meet the requirements of this Resolution.

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

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

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

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

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

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

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

5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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

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

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

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution;

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced;

11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. <u>Specific Standards</u>

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

1. <u>Residential Structures</u>

   In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor,

including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

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

2. Non-Residential Structures

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

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

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

3. Enclosures

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

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

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

   2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

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

b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. <u>Standards for Manufactured Homes and Recreational Vehicles</u>

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

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

   1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

   2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other

foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Sections A and B.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

1) Be on the site for fewer than 180 consecutive days;

2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

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

5. <u>Standards for Subdivisions and Other Proposed New Development Proposals</u>

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

a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

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

c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

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

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

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

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

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

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

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

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

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

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

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within Madison County**,** Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. <u>Standards For Areas of Shallow Flooding (AO and AH Zones)</u>

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

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

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

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

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

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

Section H. <u>Standards for Unmapped Streams</u>

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Board of Zoning Appeals

1. Authority

The Madison County**,** Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. Procedure

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

3. Appeals: How Taken

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of $200.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was

taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Zoning Appeals shall have the following powers:

a. Administrative Review

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

b. Variance Procedures

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

1) The Madison County, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Resolution to preserve the historic character and design of the structure.

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

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

b) The danger to life and property due to flooding or erosion;

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

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

e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

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

g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

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

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

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

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

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

Section B. <u>Conditions for Variances</u>

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure

below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as $25 for $100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

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

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Resolutions

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

Section B. Severability

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

Section C. Effective Date

This Resolution shall become effective immediately after its passage, the public welfare demanding it.

CHAPTER 15
DEFINITIONS

Unless otherwise stated the following words shall, for the purposes of this resolution have the meaning herein indicated. Words in the present tense shall include the future. The singular shall include the plural and the plural the singular. The words "shall" and "must" are mandatory, not directory.

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

15.02 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, and similar structures whether stationary or moveable.

15.03 Building, Accessory – A subordinate building, the use of which is incidental to that of a principal building on the same lot.

15.04 Building, Principal – A building in which is conducted the principal use of the lot on which it is situated. In an F-R or F-A-R district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

15.05 Commercial Mobile Communication 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.

15.06 Development – Any man-made change to improved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

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

15.08 Dwelling, Multifamily – A residential building containing two or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

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

15.10 Dwelling Unit – One room or rooms connected together serving as the living quarters for a family and used for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

15.11 Easement – The right given by the owner of land to another party (either public or private) for a specific limited use of that land.

15.12 E<u>asement, Travel –</u> 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 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 or record and be permanently recorded in perpetuity. For the purposes of the Subdivision 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 Madison County Subdivision Regulations and shall be submitted for review and approved by the Madison County Planning Commission.

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

15.14 <u>Family</u> – One or more persons occupying a separate independent non-profit housekeeping unit.

15.15 <u>Substantial Improvement</u> – Any repair, reconstruction, or improvement of a structure, the cost of which equal or exceeds fifty (50) percent of the market value of the structure either (1) before the repair or improvement or (2) before the damage occurred. For the purposes of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions or (2) any alteration of restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

15.16 Height of Building – The vertical distance from the finished grade at the building line to the highest point of the building.

15.17 Lot – A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings, such a lot shall be of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open space as required. All lots shall front on and have access to a private or public street which meets county requirements at the time of its development.

15.18 Lot, Corner – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot of 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 and thirty-five (135) degrees.

15.19 Lot, Double Frontage – A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

15.20 Lot Line – The boundary dividing a given lot from adjacent lots or the right-of-way of a street or alley.

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

15.22 Lot Width – the width of a lot shall be determined by measurement across the rear of the required front yard, provided that the width between side lot lines at the points where they intersect the street shall not e less than eighty (80) percent of the required minimum lot width, except in the case of lots on the turning cycle of cul-de-sac turn around, a minimum street abutment distance of twenty-five (25) feet shall apply to cul-de-sac turn around.

15.23 Mobile Home Park – any plot of ground four acres or more in size upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a change is made for such accommodations.

15.24 Nonconformity – A building, use of land, or combination of the two which was lawful when established, the now establishment of which would be prohibited by current zoning regulations.

15.25 Sign – Any structure or part thereof attached thereto or painted or represented thereon which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The work "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

15.26 Ground Sign – Any sign including a billboard which is supported by a pole, uprights, or braces on the ground.

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

15.28 Travel Trailer – A travel trailer, pick-up camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which can operate independent of connections to external water storage facilities and may contain lavatory, kitchen sink and/or bath facilities; and/or is identified by the manufacturer as a travel trailer.

15.29 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. Swimming pools shall be allowed in yards provided that such pools are not closer than ten (10) feet to a principal building or any lot line.

15.30 Yard, Front – A yard extending between side lot lines across the front of a lot adjoining a street. The depth of required front yards shall be measured at right angles to a straight line joining the foremost point of the side lot line in the case of rounded property owners at street intersections, shall be assumed to be the point at which the front and side lot lines would have met

without such rounding. Front and rear yard lines shall be parallel.

A. Double Frontage Lots – Unless the prevailing lot patterns indicate otherwise, front yards shall be provided on all frontages in accordance with the general regulations of the district concerning minimum depth of front yards.

B. Corner Lots Abutting Two Streets – A front yard of the depth generally required by the district shall be provided on either frontage and a second front yard of half the depth required for front yards generally in the district shall be provided on the other street frontage.

C. Corner Lots Abutting Three Streets – The Building Commissioner shall determine the front yard requirements subject to the following limitations:

1. One standard front yard – At lease one front yard shall be provided having the full depth required generally in the district.

2. Other front yards – No front yard on such lots shall have less than half the full depth required generally.

15.31 Yard, Rear – A yard extending across the rear of the lot between inner side yards. In the case of double frontage lots and corner lots there will be no rear yards. The depth of a required rear yard shall be measured in such a manner that the yard established is a strip the minimum width required by district regulations with its inner edge parallel with the rear lot line.

15.32 Yard, Side – A yard extending from the rear line of the required front yard to the rear lot line, or in absence of any clearly defined rear lot line to the point on the lot furthest from the intersection of the lot line involved with the street. In the case of double frontage lots, side yards shall be extended 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.

15.33 Yard, Special – A yard behind any required yard adjacent to a street, required to perform the same function as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases the Building Commissioner shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

CHAPTER 16

EXCEPTIONS AND MODIFICATIONS

16.01 Lot of Record – Where the owner of a lot consisting of one or more adjacent lots of record at the time of the adoption of this resolution, does not own sufficient land to enable him to conform to the yard or other requirements of this resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this resolution in accordance with Section 16.03. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

16.02 Front Yard – The front yard requirements of this resolution for residential lots shall not apply to any residential lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lots is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lot; except that no residence shall have a front yard of less than ten (10) feet in depth.

16.03 Height Regulation – the height limitations contained in the district appurtenances usually required above the roof level and not intended for human occupancy.

CHAPTER 17

ENFORCEMENT

17.01 Enforcing Officer – the provisions of this resolution shall be administered and enforced by a Building Commissioner appointed by the County Commission who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this resolution.

17.02 Building Permits and Certificate of Occupancy

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

B. Issuance of Building Permit – In applying to the Building Commissioner for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, and location on the lot of all buildings to be erected, altered, or moved an of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Commissioner for determining whether the provisions of this resolution are being observed. In the proposed excavation or construction as set forth in the application are in conformity with the provisions of this resolution and other resolutions of Madison County, Tennessee then in force, the Building Commissioner shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Commissioner shall state such refusal in writing with the cause. The issuance of a building permit shall in no case be construed as waiving any provision of this resolution. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein. No building permit shall be issued until the Building Commissioner receives written approval of the proposed provisions for water supply and sewage

disposal for the proposed use from the Madison County Health Department.

D. Certificate of Occupancy – No land or building or part thereof hereafter erected or altered in its use of structure shall be used until the Building Commissioner shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of this resolution. Within two (2) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Commissioner to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this resolution; or, if such certification is refused, to state such refusal in writing with the cause.

E. Records – A complete record of such application sketches and plans shall be maintained in the office of the Building Commissioner.

17.03 Penalties – Any person violating the provisions of this resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars ($2.00) nor more than fifty dollars ($50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

17.04 Remedies – In cases any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in the violation of this resolution, the Building Commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land.

CHAPTER 18

BOARD OF ZONING APPEALS

18.01 Creation and Appointment – A Board of Zoning Appeals is hereby established in accordance with Section 13-406, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five members. They shall be appointed by the Madison County Commission. Their term of membership shall be five years except that the initial individual appointments to the Board of Zoning Appeals shall be terms of one, two, three, four and five years respectively. Vacancies shall be filled for any unexpired term by the Madison County Commission.

18.02 Procedure – Meetings of the Board of Zoning Appeals shall be held at the call of the chairman. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereon which shall be a public record.

*18.03 Appeals – How Taken – An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Building Commissioner based in whole or in part upon the provisions of this resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. Each notice of appeal shall be accompanied by a payment of one hundred dollars ($100.00). Said payment to be used to partially cover the cost of advertising, investigations, and other administrative expenses involved in processing an appeal. No payment will be refunded for any reason. The Building commissioner shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appealed action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall be more than fifteen (15) days from the date of the hearing. At the hearing any person or party may appear and be heard in person or by agent or by attorney.

18.04 Powers - The Board of Zoning Appeals shall have the following powers:

A. Administrative Review – to hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Commissioner or other administrative official in the carrying out or enforcement of any provision of this resolution.

B. Uses Permitted on Appeal – To hear and decide applications for uses permitted on appeal. Uses permitted on appeal may be permitted in those zoning districts where designated by this resolution but only when specifically approved by the Board of Zoning Appeals in accordance with provisions of this resolution and after review and recommendation by the Madison County Regional Planning Commission. Uses permitted on appeal shall meet requirements concerning then which are specified in the appropriate district regulations and any additional conditions and safeguards required by the Board of Zoning Appeals. Lots to be used for a proposed use permitted on appeal must be suitable for the use by virtue of the location, shape, size and topography of the lot and the nature of surrounding land uses. In determining whether or not a use shall be permitted on appeal and what conditions and safeguards shall be required, the Board of Zoning Appeals must make sure that, where appropriate, there are satisfactory:

1. Means of ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

2. Off-street parking and loading areas where required, with particular attention to the items in "1" above and the economic noise, glare, or odor effects of the use in question on adjoining properties and the district in general.

3. Refuse and service areas, with particular reference to the items in "1" and "2" above.

4. Screening and buffering provisions with reference to type, dimensions and characteristics.

5. Yards and open spaces.

C. Number of Buildings on Each Lot – To hear and decide appeals concerning the desirability of locating more than one building housing of locating more than one building housing a permitted or permissible use, other than a single family dwelling or mobile home on a single lot. More than one such building may be located on a single lot if the provisions of this resolution are complied with and if specifically approved by the Board of Zoning Appeals; provided that any conditions and safeguards required by the Board of Zoning Appeals are satisfied. In determining whether or not more than one such building shall be allowed on a single lot and what conditions and safeguards shall be required the Board of Zoning Appeals should make sure that, where appropriate, satisfactory provisions are made for the five items listed under "B" above.

D. Variances – To hear and decide applications for variance from the terms of this resolution, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this resolution was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or condition of a piece of property the strict application of the provisions of this resolution would result in exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and intent and purpose of this resolution. Financial disadvantage to the property owner is no proof of hardship, within the purpose of zoning. In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of this resolution before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to other properties in the neighborhood.

E. Map Boundaries – To hear and decide appeals involving the interpretation of the location of district boundaries shown on the Official Zoning Maps.

Chapter 19

AMENDMENT

19.01 Zoning Amendment Petition – Amendments to the Zoning Map of the Zoning Resolution may be proposed by the Madison County Commission, the Three Way Municipal Regional 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 Resolution may be initiated by any citizen of Madison County, Tennessee, the Three Way Municipal Regional Planning Commission or the Madison County Commission. When the Planning or County Commission shall initiate an amendment, the required zoning amendment fee shall be waived.

19.02 Planning Commission Review – No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the Three Way Municipal Regional Planning Commission. If the Three Way Municipal Regional Planning Commission, within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the Madison County Commission to become effective. If the Three Way Municipal Regional Planning Commission either approves nor disapproves such proposed amendment within thirty (30) days after such submission, the absence of action shall be considered as approval of the proposed amendment.

Each application for rezoning shall be accompanied by a payment of two hundred dollars ($200) to partially cover the cost of advertising, making maps, field inspections and other administrative expenses involved in processing an application.

19.03 Public Hearing on Proposed Amendment – Upon the introduction of an amendment to this resolution or upon the receipt of a petition to amend this resolution, the Madison County Commission shall publish a notice of such request for an amendment together with the notice of time set for hearing by the Madison County Commission on the requested change. Said notice shall be published in some newspaper of general circulation in Madison County, Tennessee. Said hearing by the Madison County

Commission shall take place not sooner than thirty (30) days after the date of publication of such notice.

END OF CHAPTER 19 AMENDMENTS

CHAPTER 20

LEGAL STATUS PROVISIONS

20.01 Conflict With Other Resolutions – In case of conflict between this resolution or any part thereof, and the whole or part of any existing or future resolution of Madison County the most restrictive shall in all cases apply.

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

20.03 Effective Date – This resolution shall take effect and be in force immediately after its passage, the public welfare demanding it.

Adopted: December 15, 2014

CHAPTER 21
AIRPORT ZONE

Section 1 – GENERAL DESCRIPTION

Pursuant to the authority conferred by Chapter 49 of the Statues of the State of Tennessee, the purpose of this Section is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of the McKellar-Sipes Regional Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the McKellar-Sipes Regional Airport Zoning Map, which is incorporated and made a part of this section; providing for enforcement; establishing a Board of Adjustment; and imposing penalties.

21.1. DEFINITIONS

As used in this Section, unless the context otherwise requires:

1. **AIRPORT** – McKellar-Sipes Regional Airport

2. **AIRPORT ELEVATION** - The highest point of an airport's usable landing area measured in feet from sea level.

3. **APPROACH SURFACE** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in C. of this Section. The perimeter of the approach surface coincides with the perimeter of the approach zone.

4. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES** These zones are set forth in C. of this Section.

5. **BOARD OF ZONING APPEALS** - A board authorized to approve zoning variances appointed by the Madison County Commission.

6. **CONICAL SURFACE** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

7. **HAZARD TO AIR NAVIGATION** - an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

8. **HEIGHT** - For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

9. **HELIPORT PRIMARY SURFACE** - The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

10. **HORIZONTAL SURFACE** - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

11. **LARGER THAN UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

12. **NONCONFORMING USE** - Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this Section or an amendment thereto.

13. **NONPRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

14. **OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in D. of this Section.

15. **PERSON** - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

16. **PRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

17. **PRIMARY SURFACE** - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in C. of this Section. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

18. **RUNWAY** - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

19. **STRUCTURE** - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

20. **TRANSITIONAL SURFACES** - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they

intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical Surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

21. **TREE** - Any object of natural growth.

22. **UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

23. **VISUAL RUNWAY** - A runway intended solely for the operation of aircraft using visual approach procedures.

21.2. AIRPORT ZONES

In order to carry out the provisions of this Section, there are hereby created and established certain zones, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to McKellar-Sipes Regional Airport. Such zones are shown on Figures 6.4 and 6.5 in the ***McKellar-Sipes Regional Airport Master Plan***, prepared by Barge Waggoner Sumner & Cannon, Inc., and approved by the Jackson-Madison County Airport Authority in April 2005, and such zones are hereby created and made a part of the Official Zoning Map for Madison County, Tennessee. A copy of which is attached for reference. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

a. Runway Larger Than Utility With A Visibility Minimum Greater Than ¾ Mile Nonprecision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width-of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

b. Precision Instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

c. Transitional Zones- The transitional zones are the areas beneath the transitional surfaces.

d. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

e. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

21.3. AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the application height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

a. Utility Runway Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

b. Utility Runway Nonprecision Instrument Approach Zone – Slopes twenty (20) feet outward for each for upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

c. Runway Larger Than Utility With A Visibility Minimum Greater Than ¾ Mile Nonprecision Instrument Approach Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

d. Precision Instrument Runway Approach Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

e. Transitional Zones - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 433 feet above, mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

f. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 583 feet above mean sea level.

g. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the

airport elevation and extending to a height of 350 feet above the airport elevation.

h. Excepted Height Limitations - Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

21.4 USE RESTRICTIONS

a. Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

b. In order to regulate development and uses of land of parcels of property that are projected in the future to be exposed to high levels of noise created by aircraft landings, take-offs, or other airport operations at the McKellar-Sipes Regional Airport, there are hereby created and established certain noise exposure contours, which are those areas identified to be subject to aircraft generated noise of 65 Day/Night Average Sound Level (DNL) or greater, as they apply to the McKellar-Sipes Regional Airport. Such noise contours are shown on Figure 5.2 in the ***McKellar-Sipes Regional Airport Master Plan***, prepared by Barge Waggoner Sumner & Cannon, Inc., and approved by the Jackson-Madison County Airport Authority in April 2005, and such noise contours are hereby created and made a part of the Official Zoning Map for Madison County, Tennessee. A copy of which is attached for reference. The noise exposure contours are as follows:

1. **65 DNL** – the area within the 65 DNL contour is exposed to significant levels of aircraft noise that renders these areas normally unacceptable for single-family residential, service commercial, and cultural and entertainment uses.

2. **70 DNL –** the area within the 70 DNL contour is exposed to significant levels of aircraft that renders these areas normally unacceptable for any residential use, service commercial, and cultural and entertainment uses.

3. **75 DNL** – the area within the 75 DNL contour is exposed to severe levels of aircraft noise that renders these areas clearly unacceptable for any residential, service commercial, cultural and entertainment, retail trade, and some manufacturing uses.

c. The Land Use Guidance Chart as published by the Federal Aviation Administration (FAA) is appended to this Section and shall be used by the zoning administrator to determine the procedure for all permitted uses within the designated noise exposure contour areas.

d. All uses which are classified as uses permitted in the underlying zoning districts as defined by the zoning administrator and also classified in the Land Use Guidance Chart as acceptable in the noise exposure area in which the site is located shall be uses permitted by right.

21.5 NONCONFORMING USES

a. Regulations Not Retroactive - The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section, and is diligently prosecuted.

b. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary upon the recommendation of the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the McKellar-Sipes Regional Airport.

21.6 PERMITS

A. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with the Section.

In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or

structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Section, except as set forth in D. of this Section.

B. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Section or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

C. Nonconforming Uses Abandoned or Destroyed - Whenever the Airport Manager determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

D. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Section, may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Section. Additionally, no application for variance to the requirements of this Section may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the McKellar-Sipes Regional Airport Commission for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within fifteen (15) days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application. The appeal of any decision or recommendation of the Airport Manager in the administration of this Section may be appealed to the Airport Board of Adjustments, as outlined in J. of this Section.

E. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit the McKellar-Sipes Regional Airport

Commission at its own expense, to install, operate, and maintain the necessary markings and lights.

21.7 ENFORCEMENT

It shall be the duty of the County Building Commissioner to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the County Building Commissioner upon a form published for that purpose. Applications required by the Section to be submitted to the Planning Commission shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the County Building Commissioner.

21.8 BOARD OF ZONING APPEALS

The Madison County Board of Zoning Appeals as provided in Article VIII, D. of the Official Zoning Resolution for the Jackson, Tennessee Planning Region is given the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the County Building Commissioner or any other administrative official in the carrying out or enforcement of this Section.

(2) To hear and decide, in accordance with this Section, requests for interpretation of the map and for review and issuance of permits for Uses Permitted on Review as provided in this Section.

(3) 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 Section 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 Section.

The Board of Zoning Appeals shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Section.

The concurring vote of a majority of the members of the Board of Zoning Appeals shall be sufficient to reverse any order, requirement, decision, or determination of the County Building Commissioner or decide in favor of the applicant on any matter upon which it is required to pass under this Section or to effect variation to this Section.

21.9 AIRPORT BOARD OF ADJUSTMENT

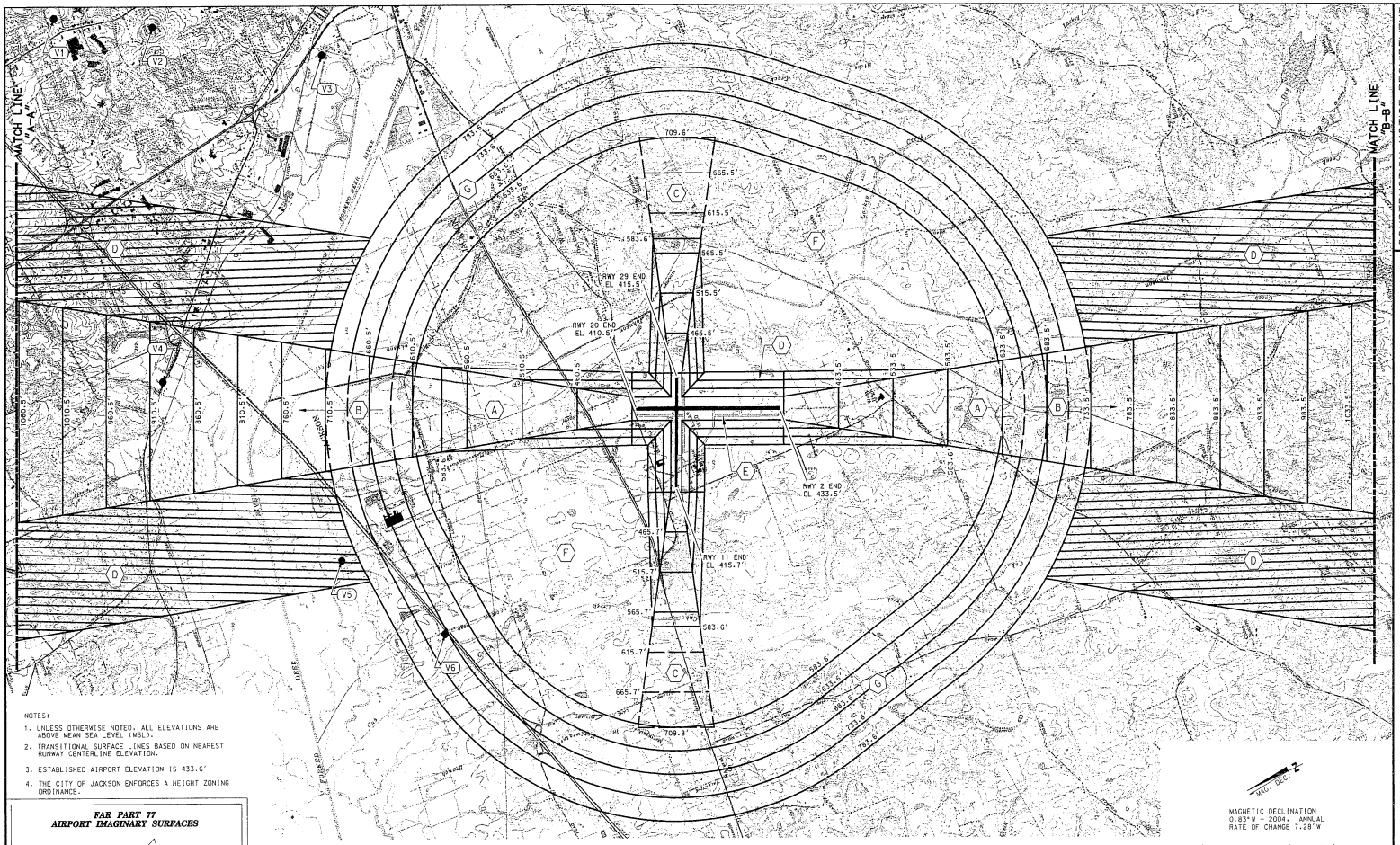
1. Any person aggrieved, or any taxpayer affected, by any decision of the Airport Manager, made in the administration of the Section, may appeal to the Airport Board of Adjustment. \

2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Airport Board of Adjustment, by filing with the Airport Manager a notice of appeal specifying the ground thereof. The Airport Manager shall forthwith transmit to the Airport Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceeding in furtherance of the action appealed from unless the Airport Manager certifies to the Airport Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would, in the opinion of the Airport Manager, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Airport Board of Adjustment or notice to the Airport Manager and on due cause shown.

4. The Airport Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

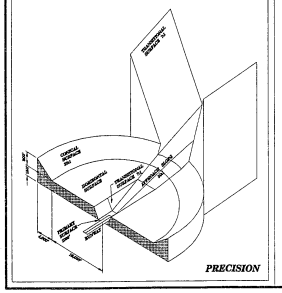
5. The Airport Board of Adjustment may, in conformity with the provisions of this Section, reverse or affirm, in whole or part, or modify the order, requirement, decision, or determination as may be appropriate under the circumstances.



NOTES:

1. UNLESS OTHERWISE NOTED, ALL ELEVATIONS ARE ABOVE MEAN SEA LEVEL (MSL).
2. TRANSITIONAL SURFACE LINES BASED ON NEAREST RUNWAY CENTERLINE ELEVATION.
3. ESTABLISHED AIRPORT ELEVATION IS 433.6'
4. THE CITY OF JACKSON ENFORCES A HEIGHT ZONING ORDINANCE.

FAR PART 77
AIRPORT IMAGINARY SURFACES



PROPOSED PART 77	DESCRIPTION	ELEVATION	VIOLATION	PROPOSED DISPOSITION
V1	TOWER	840'	N/A	CURRENTLY LIT
V2	TOWERS	1,141'	344.9'	CURRENTLY LIT
V3	TOWER	576'	N/A	LIGHT
V4	TOWER	602'	N/A	CURRENTLY LIT
V5	TOWER	577'	N/A	CURRENTLY LIT
V6	TOWER	556'	N/A	CURRENTLY LIT

MAGNETIC DECLINATION
0.83°W - 2004. ANNUAL
RATE OF CHANGE 7.28'W

2,000' 0 2,000' 4,000' 6,000'
1" = 2,000'

LEGEND

- (A) — APPROACH SURFACE (50:1 SLOPE)
- (B) — APPROACH SURFACE (40:1 SLOPE)
- (C) — APPROACH SURFACE (34:1 SLOPE)
- (D) — TRANSITIONAL SURFACE (7:1 SLOPE)
- (E) — PRIMARY SURFACE
- (F) — HORIZONTAL SURFACE (150' ABOVE ESTABLISHED AIRPORT ELEVATION)
- (G) — CONICAL SURFACE (20:1 SLOPE)

CONSTRUCTION NOTICE REQUIREMENT
TO PROTECT OPERATIONAL SAFETY AND FUTURE DEVELOPMENT, ALL PROPOSED CONSTRUCTION ON THE AIRPORT MUST BE COORDINATED BY THE AIRPORT OWNER WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, DIVISION OF AERONAUTICS PRIOR TO CONSTRUCTION. THE AERONAUTICS DIVISION REVIEW TAKES APPROXIMATELY 60 DAYS.

AIRPORT AIRSPACE DRAWING

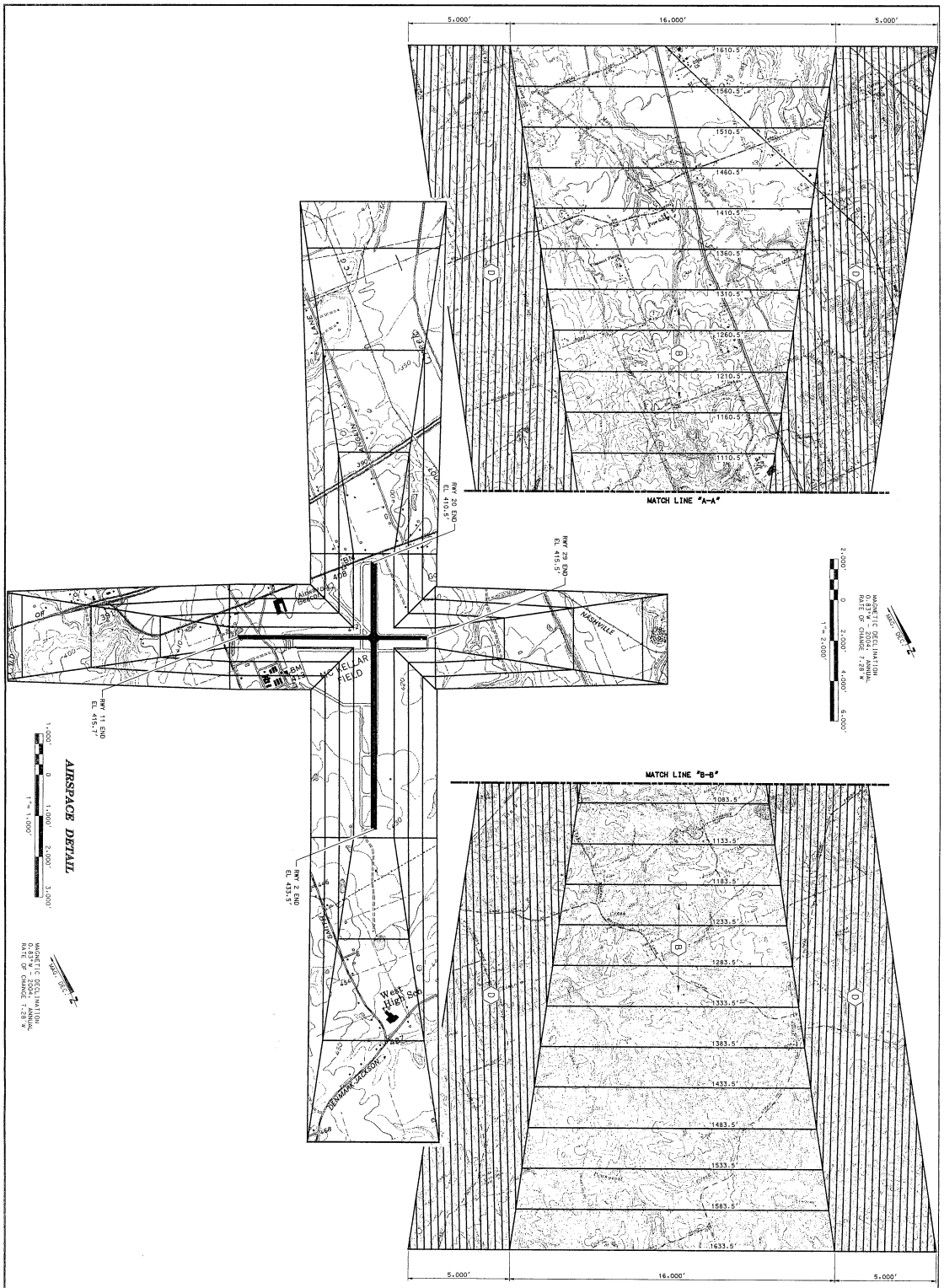
McKELLAR-SIPES REGIONAL AIRPORT
JACKSON, TENNESSEE

BWSC
BARGE WAGGONER SUMNER & CANNON, INC.
Engineers, Planners, and Surveyors

DR	CHK	DATE	DESCRIPTION
TAH	SJH	04/08/05	ORIGINAL ISSUE

FIGURE 6.4

FILE NO. 29480-09



BWSC Barge Waggoner Sumner & Cannon, Inc. Engineers, Planners, and Surveyors			
DR.	CHK.	DATE	DESCRIPTION
TAH	SJH	04/06/05	ORIGINAL ISSUE

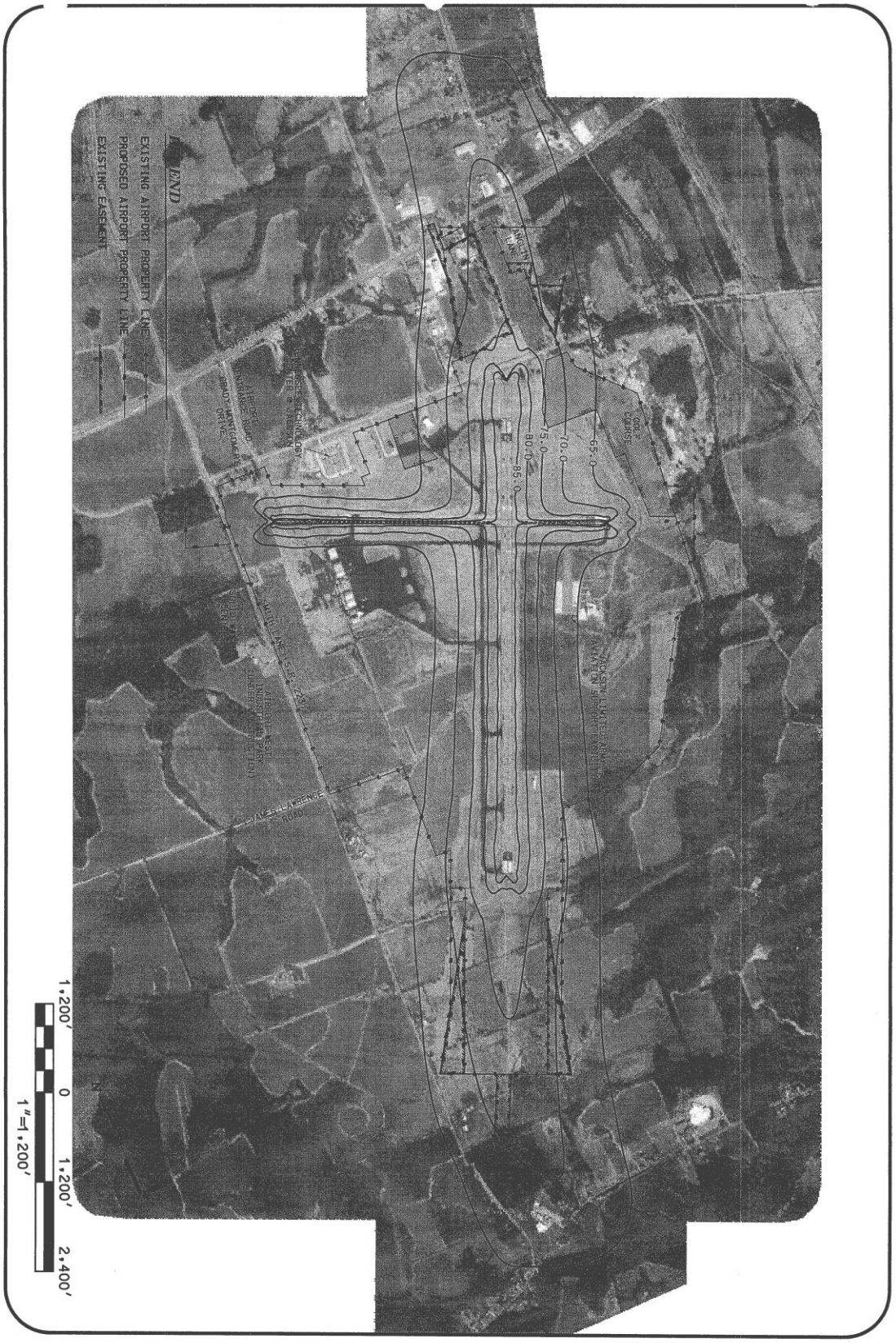
FIGURE 6.5

FILE NO. 22430-09

AIRPORT AIRSPACE DRAWING DETAILS

McKELLAR-SIPES REGIONAL AIRPORT
JACKSON, TENNESSEE

CONSTRUCTION NOTICE REQUIREMENT
TO PROTECT OPERATIONAL SAFETY AND FUTURE DEVELOPMENT, ALL PROPOSED CONSTRUCTION ON THE AIRPORT MUST BE COORDINATED BY THE AIRPORT OWNER WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION, AERONAUTICS DIVISION PRIOR TO CONSTRUCTION. THE AERONAUTICS DIVISION REVIEW TAKES APPROXIMATELY 60 DAYS.



BWSC Barge Waggoner Sumner & Cannon, Inc. Engineers, Planners, and Surveyors

2015 NOISE CONTOURS

McKELLAR–SIPES REGIONAL AIRPORT
JACKSON, TENNESSEE

FIGURE 5.2

LAND USE COMPATIBILITY GUIDELINES

	Yearly Day-Night Average Sound Level (DNL)					
	Below 65 Decibels	65 - 70 Decibels	70-75 Decibels	75-80 Decibels	80-85 Decibels	Over 85 Decibels
Residential						
Residential (Other than mobile homes and transient lodges)	Y	N[1]	N[1]	N	N	N
Mobile Home Parks	Y	N	N	N	N	N
Transient Lodging	Y	N[1]	N[1]	N[1]	N	N
Public Use						
Schools	Y	N[1]	N[1]	N	N	N
Hospitals and Nursing Homes	Y	25	30	N	N	N
Churches, Auditoriums and Concert Halls	Y	25	30	N	N	N
Governmental Services	Y	Y	25	30	N	N
Transportation	Y	Y	Y[2]	Y[3]	Y[4]	Y[4]
Parking	Y	Y	Y[2]	Y[3]	Y[4]	N
Commercial Use						
Offices, Business and Professional	Y	Y	25	30	N	N
Wholesale/Retail Building Materials, Hardware, Farm Equipment	Y	Y	Y[2]	Y[3]	Y[4]	N
Retail Trade-General	Y	Y	25	30	N	N
Utilities	Y	Y	Y[2]	Y[3]	Y[4]	N
Communications	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing, General	Y	Y	Y[2]	Y[3]	Y[4]	N
Photographic and Optical	Y	Y	25	30	N	N
Agriculture (Except Livestock) and Forestry	Y	Y[6]	Y[7]	Y[8]	Y[8]	Y[8]
Livestock Farming and Breeding	Y	Y[6]	Y[7]	N	N	N
Mining, Fishing, Resource Production and Extraction	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor Sports Arenas and Spectator Sports	Y	Y[5]	Y[5]	N	N	N
Outdoor Music Shells and Amphitheaters	Y	N	N	N	N	N
Nature Exhibits and Zoos	Y	Y	N	N	N	N
Amusement, Parks, Resorts and Camps	Y	Y	Y	N	N	N
Golf Courses, Riding Stables and Water Recreation	Y	Y	25	30	N	N

Note: The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties remains with the local authorities. FAA determinations under Part 150 are not intended to substitute Federally determined land use for those determined to be appropriate be local authorities in response to locally determined needs and values in achieving noise-compatible land uses.

Key to Table

SLUCM	Standard Land Use Coding Manual
Y (YES)	Land Use and related structures are compatible without restrictions.
N (NO)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) are to be achieved through incorporation of noise attenuation into the design and construction of structure.
25,30 or 35	Land use and related structures are generally compatible; measures to achieve NLR of 25,30 or 35 DNL must be incorporated in design and construction of structure.
1	Where the community determines that residental or school uses must be allowed, measures to achieve outdoor to indoor NLR of at least 25 DNL and 30 DNL should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 DNL, thus, the reduction requirements are often stated as 5,10 or 15 DNL over standard construction and normally assume mechanical ventilition and closed windows year round. however, the use of NLR criteria will not eliminate outdoor noise problems.
2	Measures to achieve NLR of 25 DNL must be incorporated into the design and construction of portions of the buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
3	Measures to achieve NLR of 30 DNL must be incorporated into the design and construction of portions of the buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
4	Measures to achieve NLR of 35 DNL must be incorporated into the design and construction of portions of the buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
5	Land use compatible provide special sound reinforcement systems are installed.
6	Residential buildings require an NLR of 25 DNL.
7	Residential buildings require an NLR of 30 DNL.
8	Residential buildings not permitted.
	Noncompatible land use.

SOURCE: 14 CFR FAR Part 150, Appendix A, Table 1 (28 December 1995).