

ZONING ORDINANCE

for the

MUNFORD PLANNING REGION

TIPTON COUNTY, TENNESSEE

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Prepared for

THE MUNFORD MUNICIPAL-REGIONAL PLANNING COMMISSION

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CHAPTER I

GENERAL PROVISIONS RELATING TO ZONING

AUTHORITY

An Ordinance, in pursuance to the authority granted by Section 13-7-301 through 13-7-306 of the Tennessee Code Annotated, to provide for the establishment of districts or zones within the Munford 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, 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 Ordinance and to prescribe penalties for the violation thereof.

In accordance with Tennessee Code Annotated 13-7-302 and 13-7-303, the Tipton County Commission passed a resolution on January 12, 1987 to allow the Board of Mayor and Aldermen of the City of Munford to zone the Munford Planning Region.

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

1.01 Title

This Ordinance shall be known and may be cited as the Zoning Ordinance of the Munford Planning Region, Tipton County, Tennessee, and the map herein referred to which is identified by and titled, "Official Zoning Map for the Munford Planning Region, Tipton County, Tennessee", and all explanatory matters thereon are hereby adopted and made a part of this Ordinance. The Official Zoning Map shall be located in the Munford City Hall and shall be identified by the signature of the Mayor and attested by the City Recorder. The Official Zoning Map may be amended under the procedures set forth in Chapter XIV of this Ordinance, provided, however, that no amendment of the Official Zoning Map shall become effective until after such change and entry has been made on said map and signed by the Mayor and attested by the City Recorder.

1.02 Purpose

The Zoning Ordinance and districts as herein set forth have been made in accordance with the comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and the general welfare of the Munford 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 over concentration of population; and to facilitate the adequate provision of transportation, water, wastewater, 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 Munford Planning Region.

CHAPTER II

DEFINITIONS

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions where not inconsistent with the context of the Ordinance. The words "shall" and "must" are mandatory, not directory. Words used in the present shall include the future; the singular number shall include the plural and the plural the singular number; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Ordinance, the definition herein shall prevail.

The categories established herein to define the permitted uses are derived from the **Standard Land Use Coding Manual** and adapted to the particular needs of the Munford Planning Region. The **Standard Land Use Coding Manual** provided as a supplement to this Ordinance is intended to serve as a guide in the determination of what uses are permitted in all districts.

Accessory Building and Use - See Building, Accessory

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

Amusement - An establishment which provides: arcade type entertainments including such items as pinball machines, video games and pool tables; miniature golf; or other amusements (see Code 73 in the **Standard Land Use Coding Manual**).

Animated sign - Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Automobile Storage Yard - Any land use for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Buffer Strip - A strip of land, established to protect one type of land use from another with which it is incompatible, which is landscaped and kept in perpetual open space uses.

Building - Any structure constructed or used for residence, business, industry, or other public or private purposes or accessory thereto.

Building, Accessory - A subordinate building or structure, the use of which is incidental to the principal building on the same lot. For purposes of this Ordinance, such structures include, but are not limited to storage sheds, workshops, satellite dishes and pads.

Building, Coverage - The portion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross-section of the building or buildings. Building coverage shall not include any required yard space.

Building Line - Front, Side, Rear - Lines which define the required area for the front, side and rear yards, as set forth in this Ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

Building Marker - Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building Permit - As defined in this Ordinance, shall mean a zoning and building compliance permit as required by the City of Munford, and as further explained in the Chapter XII, Section 12.02 of this Ordinance.

Building, Principal - A building in which is conducted the primary use of the lot on which it is situated. In R-MH, R or FAR districts, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Building Sign - Any sign attached to any part of a building, as contrasted to a freestanding sign.

Business Service - Establishment which provide aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service (see Code 63 in the **Standard Land Use Coding Manual**).

Canopy Sign - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door entrance, window or outdoor service area. A marquee is not a canopy.

Changeable Copy Sign - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable sign for purposes of this Ordinance.

Clinic - Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises (see Codes 6511, 6512 and 6517 in the **Standard Land Use Coding Manual**).

Commercial - Activities related to the provision of products and services. See retail and wholesale trade; financial, business, personal and professional services (see Codes 51-68 in the **Standard Land Use Coding Manual**).

Commercial message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Communication - Radio, telegraph and television broadcast receiving and relay facilities (see Code 47 in the **Standard Land Use Coding Manual**).

Cultural Activity - Any institution concerning with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums (see Code 71 in the **Standard Land Use Coding Manual**).

Density - Maximum number of units per acre allowed by this Zoning Ordinance.

District - Any section or sections of the Munford Planning Region for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.

Driveway - A paved or gravel way, on private property, providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.

Dwelling - A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling, Condominium-Residential - A multi-family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

Dwelling, Manufactured Residential - A structure, transportable in more than one section, which may be built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of these regulations the term "manufactured home" does not include "mobile home" as herein defined and as further defined in **Tennessee Code Annotated** Section 13-24-201.

Dwelling, Mobile Home - A factory-built, residential structure constructed as a single, self-contained unit and mounted on a single chassis or under-carriage which includes axles, wheels, and a tongue or hitch. A mobile home is designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer for delivery to a mobile home dealer, or arriving at the site ready for occupancy, except for minor and incidental unpacking assembly operations, location on jacks or permanent foundations, and connections to utilities. The character of a mobile home as a non-permanent dwelling shall not be changed by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not considered a mobile home.

The term "mobile home" shall include further definition as provided in **Tennessee Code Annotated**, Section 68-36-202.

Dwelling, Multi-Family - A building or portion thereof, designed to be occupied by three (3) or more families living independently of each other. (Also see condominiums, residential and dwelling, townhouse)

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

Dwelling, Two-Family - A building designed to be occupied by two (2) families, living independently of each other and having one wall common to both dwelling units.

Dwelling, Townhouse - An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least two (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor (also see condominium, residential).

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.

Education Services - Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools (see Code 68 in the Standards Land Use Coding Manual).

Enforcement Officer - The Codes Enforcement Officer / Building Inspector of the city or his or her designee.

Family - One or more persons occupying a separate independent non-profit housekeeping unit.

Finance, Insurance and Real Estate Services - Those establishments which provide banking or bank related functions and insurance and real estate brokers (see Code 61 in the Standard Land Use Coding Manual).

Flag - Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.

Freestanding Sign - Any sign supported by structures of supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Governmental Agency - An agency of the Federal, State, or the Local Government or any combination thereof.

Governmental Services - Fire, Police, Judicial and other services provided by the government (see Code 67 in the Standard Land Use Coding Manual).

Grade - The ground elevation used for the purpose of regulating the height of building. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Gross Floor Area - The total floor area within the walls of a structure.

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

Illegal Sign - A sign which did not conform to the provisions of the Zoning Ordinance at the time of its installation.

Incidental Home Occupation - A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use provided that: the venture is conducted in the principal building; all persons engaged in the venture are residents of the dwelling unit (with the exception of a Bed and Breakfast operation which may employ a maximum of two (2) assistants); no more than twenty percent (20%) of the total ground floor area is used for the venture and no evidence of the venture is visible from any public way. Incidental home occupations shall include: arts and crafts, dressmaking and sewing; individual instruction in music or art; individual tutoring; professional services where clients are served one at a time and distribution type sales of merchandise such as Amway or Avon in which clients generally do not come to the residence.

Incidental Sign - A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone”, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Institution - A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social educational or similar services of a charitable character to the public.

Kindergartens - See Nursery School

Landscaping - A planted and maintained area of trees, shrubs, lawns, and other ground cover or materials designated to present an aesthetic buffer between properties and adjoining uses or street areas.

Loading Space - An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot - A legally recorded 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 building. Such a lot shall be at least of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other spaces as required by this Ordinance. All lots shall front on and have access to a public street.

Lot Area - The total horizontal area included within lot lines.

Lot, Corner - A lot abutting upon two (2) or more streets at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135⁰) degrees.

Lot Coverage - The lot area covered by all buildings located therein.

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

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

Lot of Record - A parcel legally recorded in the Office of the Tipton County Register of Deeds prior to the date of the adoption of this Ordinance.

Lot Width - The horizontal measurement at the building line, provided however, that the width between side lot lines at the points where they intersect the street shall not be less than eighty percent (80%) of the required minimum lot width, except in the case of lots on the turning circle of cul-de-sac turn a rounds; a minimum street abutment distance of twenty-five feet (25') shall apply to cul-de-sac turn a rounds.

Marquee - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign - Any sign attached to, in any manner, or made a part of a marquee.

Medical Services - Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services (see Code 651 in the **Standard Land Use Coding Manual**).

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

Motor Vehicle Transportation - Transportation services including bus, taxi and motor freight transportation (see Code 42 in the **Standard Land Use Coding Manual**).

Nonconforming sign - Any sign that does not conform to the requirements of this Ordinance.

Non-conformity - A building, use of land, or combination of the two (2) which lawfully existed prior to the adoption or amendment of this Ordinance, but which no longer complies with the use regulations of the district in which it is located.

Noxious Matter - Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

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

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

- (a) **Family Day Care Home** - A home operated by any person who receives pay for providing less than twenty four (24) hour supervision and care, without transfer of custody, for five (5), six (6), or seven (7) children under seventeen (17) years of age, who are not residents of the household. A license is not required for a house providing care for fewer than five (5) children.
- (b) **Group Day Care Home** - Any place operated by a person, social agency, corporation, institution, or other group which receives eight (8) or more children under seventeen (17) years of age, for less than twenty four (24) hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than twelve (12) children.
- (c) **Day Care Center** - A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of thirteen (13) or more children under seventeen (17) years of age for less than twenty four (24) hours per day, without transfer of custody.

Pads - The surface on which a trailer is located consisting of concrete footings and a support of the trailer.

Parks - An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as but not limited to playgrounds, athletic or playfields and picnic areas.

Parking Space-Required - A paved and properly drained area, enclosed or unclosed, required by this Ordinance to be permanently reserved for parking one (1) motor vehicle. Each required parking space shall have a minimum area of two hundred square feet (200 sq.ft.) and not less than ten feet (10') wide, exclusive of driveways and shall be connected with a public street, alley or by a paved driveway affording safe and convenient ingress and egress. Except on lots occupied by single-family and two (2) family dwellings, parking spaces and driveways shall be arranged as to provide for both ingress and egress by forward motion of the parked or parking vehicle.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Person - Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Personal Services - Establishments which provide services which include laundry, beauty, funeral, and other services to individuals (see Code 62 in the **Standard Land Use Coding Manual**).

Planting Screen - A strip of land containing trees, bushes, or shrubbery which serves as a buffer between lots and/or land uses.

Plat - A map, plan or layout indicating the location and boundaries of individual properties and which may indicate structure location and horizontal measurements.

Plot - A parcel of land set aside for an individual mobile home in a mobile home park. This is often synonymous with lot.

Pole Sign - A free-standing sign supported from the ground by a pole or similar support structure of narrow width which by reason of height does not qualify as a ground sign.

Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Principal Building - A building in which is conducted the primary use of the lot on which it is located.

Principal Use - The specific primary purpose for which land or a building is used.

Professional Services - Those services normally provided by the established professions such as, but not limited to, physician services, dental services, legal services, engineering services, architectural services and accounting services, not to include sanitariums, convalescent and rest home services (see Code 65 in the **Standard Land Use Coding Manual**).

Projecting Sign - Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches (6") beyond the surface of such building or wall.

Public Assembly Facility - Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playfields and parks.

Public Uses - Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

Public Utility - Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery of or furnishing of heat, chilled air, chilled water, light, power or water, or wastewater facilities, either directly or indirectly to or for the public (see Codes 47 and 48 except Code 4823 and 485 in the **Standard Land Use Coding Manual**).

Real Estate Signs - A sign indicating that a parcel or structure is for sale or rent. This shall include sold signs and signs that indicate that a parcel or structure has been sold through words such as "future home of company b".

Recreational Activities - Sports activity, playground and athletic areas, swimming areas, marinas and other similar activities (see Code 74 in the **Standard Land Use Coding Manual**).

Recreational Vehicle - A trailer towed behind a car or a self propelled vehicle intended for use as a temporary recreational dwelling.

Repair Services - Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops (see Code 64 in the **Standard Land Use Coding Manual**).

Residential Sign - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning Ordinance.

Retail Trade - Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods (see Code 52 through 59 in the **Standard Land Use Coding Manual**).

Roof Sign, Integral - Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches (6") or twenty five feet (25') from the base of the sign.

Schools, Parochial - An institution of learning owned and/or operated by a recognized church or religious institution.

Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

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

Sign, Off-Premise, Off Site - Signs advertising products or services for sale on a site other than the site the sign is located.

Sign, On-Premise, On Site - Signs advertising products or services for sale on the same site as the sign is located.

Sign, Temporary - Any sign which is by reason of construction or purpose to be allowed for a short period of time, with the exception of real estate signs. Temporary signs shall include any sign, banner, pennant, valence or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frames, where either by reason or construction or purpose the sign is intended to be displayed for a short period of time only (thirty one (31) days or less). Temporary signs shall include but not be limited to street banners, posters, construction signs, real estate signs, model signs, special event signs, and attachment of portable signs to a site shall not change the signs to permanent signs.

Site Plan, Sketch Plan, General Plan - A plan delineating the overall scheme of the development of a tract of land including all items as specified in this Ordinance.

Start of Construction - For other than new construction or substantial improvements under the Coastal Barrier Resources Act, P.O.97-341, including substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include 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.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

Story, Half - A story under a sloping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50%) percent of the floor area of the floor immediately above.

Street or Road - A public or private way for vehicular traffic, whether the road is designated as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane, alley or other way, and for the purpose of these regulations "roads" are divided into the following categories:

- (a) **Arterial Street** - A major street used primarily for heavy through traffic which will be so designated on the Munford Major Road Plan.
- (b) **Collector Street** - A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Munford Major Road Plan.
- (c) **Cul-de-sac or Dead-end Street** - A local street with only one outlet for which there are no plans or need for extension.
- (d) **Marginal Access Street** - A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.
- (e) **Minor Residential or Local Streets** - A neighborhood or commercial area street used primarily for access to the abutting properties.

Street frontage -The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

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

Street Center Lines - The center of the surface roadway or the surveyed center line of the street.

Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

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

Toxic Materials - Material (gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Transient Lodging - Temporary lodging such as hotels, tourist courts and motels (see Code 15 of the **Standard Land Use Coding Manual**).

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

Travel Trailer Park - Any plot or ground five (5) acres or more in size upon which two (2) or more travel trailers, occupied for temporary living purposes, are located regardless to whether or not a charge is made for such accommodations.

Use - The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Utilities - Gas, water, electricity, wastewater and telephone services provided by government agencies or private companies (see Code 48 in the **Standard Land Use Coding Manual**).

Variance - A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this Ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property.

The salient points of a variance are (1) undue hardship caused by exceptional physical irregularities of the property; and (2) unique circumstances due to the exceptional physical irregularities; and, (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property. A variance is not justified unless all three (3) elements are present.

Veterinary Hospital or Clinic - Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within the building (see Code 8221 and 8222 in the **Standard Land Use Coding Manual**).

Wall Sign - Any sign attached parallel to, but within six inches (6") of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall or any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Warehouse - A structure used exclusively for the storage of merchandise or commodities.

Wholesale Trade - Establishments or places of business primarily engaged in selling merchandise to a retailer, to industrial, commercial, farm or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies (see Code 51 in the **Standard Land Use Coding Manual**).

Window Sign - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Yard - Any open space on the same lot with a principal building open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

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

Yard, Front - A yard extending between side lot lines across the front of a lot adjoining a street and the nearest part of the principal building. The depth of required front yards shall be measured at right angles to a straight line joining the foremost point of the side lot. In the case of rounded property corners at street intersections, the yard shall be assumed to be the point at which the front and side lot lines would have met without such roundings. Front and rear yard lines shall be parallel. On corner lots, the yards adjacent to both streets shall be front yards.

Yard, Rear - A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line.

Yard, Side - The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line.

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 the lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Building Inspector shall require a yard with minimum dimensions as generally required for a side yard or a rear yard of 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.

Zoning Districts - Any section of the Munford Region for which the zoning regulations, governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

CHAPTER III

GENERAL PROVISIONS

For the purpose of this Ordinance, there shall be certain general provisions which shall apply to all of the Munford Planning Region.

3.01 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, within the FAR District this shall not be construed as authorizing the requirement of building permits or any regulation of any building, other than setback requirements from the right-of-way of a street or alley, on lands devoted to agricultural uses, nor shall it be construed as limiting, affecting or controlling in any way the agricultural uses of land.

3.02 Non-conforming Uses and Buildings

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

- A. Any non-conforming building may not be:
 - 1. Structurally altered. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
 - 2. Rebuilt or repaired after damage exceeding seventy-five percent (75%) of replacement cost.
 - 3. Changed to another non-conforming use.
 - 4. Re-established after a discontinuance of one (1) year.
- B. Any non-conforming use of land may not be:
 - 1. Changed to another non-conforming use.
 - 2. Re-established after discontinuance of one (1) year.

3.03 Accessory Buildings

No accessory building shall be erected in any front or required side yard and no separate accessory building shall be erected within five feet (5') of any lot line or other building on the same lot or be located nearer to the front lot line than the principal building.

In addition, all satellite dish antennae must comply with the following:

- A. Such antennae may not exceed the highest ridgeline of the primary structure on the property.
- B. All installers of satellite dish antennae must obtain a building permit prior to the installation of such antennae.

3.04 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 the 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.

3.05 Required Yard Cannot be Used by Another Building

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

3.06 Obstruction to Vision at Street Intersection Prohibited

On a corner lot within the area formed by the center line of the intersecting or intercepting streets and a line joining points of such center lines at a distance of one hundred feet (100') from their intersection, there shall be no obstruction to vision from two and one-half feet (2 ½') and height of ten feet (10') above the average grade of each street at the center line thereof. These requirements shall not be constructed to prohibit any necessary retaining wall.

3.07 Sign Regulations

A. Purposes

The purposes of these sign regulations are: (1) to encourage the effective use of signs as a means of communication in the Planning Region; (2) to maintain and enhance the aesthetic environment and the Planning Region's ability to attract sources of economic development and growth; (3) to improve pedestrian and traffic safety; (4) to minimize the possible adverse effect of signs on nearby public and private property; and (5) to enable the fair and consistent enforcement of these sign restrictions.

B. Applicability – Effect

A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance. The effect of this Ordinance, as more specifically set forth herein, is:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;
2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;
3. To prohibit all signs not expressly permitted by this Ordinance; and
4. To provide for the enforcement of the provisions of this Ordinance.

C. Computations The following principles shall control the computation of sign area and sign height.

1. **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning Ordinance regulations and is clearly incidental to the display itself.
2. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty two inches (42”) apart, the sign area shall be computed by the measurement of one (1) of the faces.
3. **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

4. **Computation of Maximum Total Permitted Sign Area for a Lot.** The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in Table B., maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

D. Signs Allowed on Private Property With and Without Permits.

Signs shall be allowed on private property in the city in accordance with, and only in accordance with, Table A. If the letters "OK" appear for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letters "NO" appear for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. If the letter "P" appears, a permit is required.

Although permitted under the previous paragraph, a sign designated by an "OK" or "P" in Table A. shall be allowed only if:

1. The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table B.;
3. The size, location, and number of signs on the lot conform with the requirements of Tables B., which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table A.;
3. The characteristics of the sign conform with the limitations on characteristics listed in Table A.

E. Permits Required.

If a sign requiring a permit under the provision of this Ordinance is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 3.07 L.

No signs shall be erected in the public right-of-way except in accordance with Section 3.07 H.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Ordinance (including those protecting existing signs) in every respect and with the Master Signage Plan or Common Signage Plan in effect for the property.

**Table A.
Signs by Type and Zoning District**

District	FAR	R	R-MH	C	I	Inst. ¹
<u>FREESTANDING</u>						
Other ²	P	P	P	P	P	OK
Incidental	OK	OK	OK	OK	OK	OK
<u>BUILDING</u>						
Wall	NO	NO	NO	P	P	OK
Banner	NO	NO	NO	P	P	OK
Building Marker	OK	OK	OK	OK	OK	OK
Canopy Sign	NO	NO	NO	OK	OK	OK
Incidental ³	NO	NO	NO	OK	OK	OK
Marquee ⁴	NO	NO	NO	P	P	OK
Projecting ⁴	NO	NO	NO	P	P	OK
Residential	P	P	P	NO	NO	OK
Roof, Integral	NO	NO	NO	P	NO	OK
Suspended ⁴	NO	NO	NO	P	NO	OK
Temporary ⁵	OK	OK	OK	OK	OK	OK
Portable	NO	NO	NO	NO	NO	NO

MISCELLANEOUS

Flag	OK	OK	OK	OK	OK	OK
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- OK = Allowed without sign permit
- P = Allowed only with a sign permit from the Enforcement Officer
- NO = Not allowed

Notes:

1. The “Inst.” category represents institutional uses permitted under the zoning Ordinance, such as churches and schools. All signs are permitted for institutional uses provided that the sign does not convey a commercial message.
2. Certain freestanding residential signs are permitted with a sign permit as required by Tennessee State law.
3. No commercial message is allowed on incidental signs that are legible from any location off the lot.

4. Marquees, projecting signs or suspended signs may not extend into or above public rights-of-way.
5. Temporary signs are permitted without a permit in all districts, under the conditions listed in Section J.

Table B.
Number, Dimension and Location of Individual Signs by Zoning District

Sign Type	FAR R	R-MH C	I	Inst.		
<u>FREESTANDING</u>						
Area (sq. ft.)	4	4	12	81	40	12
Height	2	2	5	25	15	5
Setback	5	5	5	10	10	5
Number Permitted per Street Frontage	1	1	1	1	1	1
			per 200 linear feet	per 200 linear feet	per 400 linear feet	

BUILDING

Area (max. sq. ft.)	4	4	4	NA	NA	10
Wall Area (percent)	1%	1%	1%	20%	5%	NA

F. Design, Construction, and Maintenance.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

All signs shall comply with applicable provisions of the Southern Standard Building Code and the Electrical Code of the City of Munford and Tipton County at all times.

Except for banners, flags and temporary signs, conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

G. Master or Common Signage Plan.

No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the lot on which the sign will be erected has been submitted and approved by the Planning Commission as conforming with this section.

1. **Master Signage Plan.** For any lot on which the owner proposes to erect one or more signs requiring a permit, unless such lot is included in a Common Signage Plan, the owner shall submit to the Planning Commission a Master Signage Plan containing the following:

- (a) An accurate plot plan of the lot, at such scale as the Planning Commission may reasonably require;
- (b) Location of buildings, parking lots, driveways, and landscaped areas on such lot;
- (c) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this Ordinance; and
- (d) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

2. **Common Signage Plan.** If the owners of two (2) or more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (not including any accessory building) file with the Planning Commission for such lots a Common Signage Plan conforming with the provisions of this section, a twenty five (25%) percent increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.

3. **Provisions of Common Signage Plan.** The Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the lots affected by the Plan with regard to:

- | | |
|----------------------------|--|
| Color scheme | Location of each sign on the buildings |
| Lettering or graphic style | Material and sign proportions |
| Lighting | |

4. **Limit on Number of Freestanding Signs Under Common Signage Plan.** The Common Signage Plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs.

5. **Other Provisions of Master or Common Signage Plans.** The Master or Common Signage Plan may contain such other restrictions as the owners of the lots may be reasonably determined.
6. **Consent.** The Master or Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Enforcement Officer shall require.
7. **Procedures.** A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the Planning Commission for the proposed development and shall be processed simultaneously with such other plan.
8. **Amendment.** A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of the Ordinance then in effect.
9. **Existing Signs Not Conforming to Common Signage Plan.** If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this Ordinance in effect on the date of submission. This schedule shall be enforced by the Enforcement Office.
10. **Binding Effect.** After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Ordinance. In case of any conflict between the provisions of such a plan and any other provision of this Ordinance, the Ordinance shall control.

H. Signs in the Public Right-of-Way.

No sign shall be allowed in the public right-of-way, except for the following:

1. **Permanent Signs.** Permanent signs, including: Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; Bus stop signs erected by a public transit company; Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of Table A. of this Ordinance.
2. **Emergency Signs.** Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

3. **Other Signs Forfeited.** Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

I. Signs Exempt from Regulation Under This Ordinance.

The following signs shall be exempt from regulation under this Ordinance:

Any public notice or warning required by a valid and applicable federal, state, or local law, regulations, or Ordinance;

Any sign inside a building, attached to a window or door;

Works of art that do not include a commercial message;

Holiday lights and decorations with no commercial message

Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.

Temporary signs without a commercial message;

Signs indicating anti-theft systems and alarm systems

J. Signs Regulated as Temporary Signs.

Temporary signs are permitted in all districts. There will not be a fee for temporary signs. The following types of signs shall be regulated as temporary signs within the City of Munford Planning Region and shall be removed within a maximum period of thirty (30) days. Extensions to the thirty (30) day maximum are granted by the Enforcement Officer,

Beacons; and

Pennants; and

Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and

Inflatable signs and tethered balloons; and

Temporary sales signs, to include but not limited to garage or yard sale signs, personal business signs and signs intended to sell or distribute goods.

K. General Permit Procedures.

The following procedures shall govern the application for, and issuance of, all sign permits under this Ordinance, and the submission and review of Common Signage Plans and Master Signage Plans.

1. **Applications.** All applications for sign permits of any kind and for approval of a Master or Common Signage Plan shall be submitted to the Enforcement Officer on an application form or in accordance with application specifications published by the Enforcement Officer.

L. Fees.

Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established by the governing body of the city from time to time by resolution.

1. **Completeness.** Within thirty (30) days of receiving an application for a sign permit or for a Common or Master Signage Plan, the Enforcement Officer shall review it for completeness. If the Enforcement Officer finds that it is complete, the application shall then be submitted to the Planning Commission for review. If the Enforcement Officer finds that it is incomplete, the Enforcement Officer shall, within such thirty (30) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Ordinance.

2. **Action.** Within thirty (30) days of the submission of a complete application for a sign permit, the Planning Commission shall either:

- (a) authorize the issuance of a sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Ordinance and of the applicable Master or Common Signage Plan.

OR

- (b) reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Ordinance and of the applicable Master or Common Signage Plan. If the sign permit is rejected by the Planning Commission, the Owner/Developer has a right to appeal to the Board of Zoning Appeals.

M. Permits to Construct or Modify Signs.

Signs identified as “P” on Table A. shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the Enforcement Officer. Such permits shall be issued only in accordance with the following requirements and procedures.

1. **Permit for New Sign or for Sign Modification.** An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not

contained on a Master Signage Plan or Common Signage Plan then in effect for the lot. One application and permit may include multiple signs on the same lot.

2. **Inspection.** The Enforcement Officer shall inspect the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Ordinance and with the Southern Standard Building and Electrical Codes, the Enforcement Officer shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this Ordinance and applicable codes, the Enforcement Officer shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Enforcement Officer shall affix to the premises the permanent symbol described above.

N. Signs in the Public Right-of-Way.

No signs, whether permanent or temporary, may be placed in the public right-of-way. Enforcement shall include the removal of any signs in the right-of-way, with no compensation granted to the offending party or parties.

O. Violations.

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and/or by state law:

1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
2. To install, create, erect, or maintain any sign requiring a permit without such a permit;
3. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Ordinance, or;
4. Each sign installed, created, erected, or maintained in violation of this Ordinance shall be considered a separate violation when applying the penalty portions of this Ordinance.

P. Fee Schedule

Sign permits fees will be assessed and collected for each Master or Common Signage Plan. Fees for all new or modified permitted signs shall be based on the ratio of one dollar (\$1) per square-foot of signage. Holiday oriented signs, public purpose signs without a commercial message and all signs excluded from this Ordinance shall not be required to pay sign permit fees.

3.08 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 zoning use or occupancy to another, permanent off-street parking as specified in this Ordinance. Parking space maintained in connection with an existing and continuing principal building on the effective date of this Ordinance shall not be continued and counted as serving a new building or addition.

Developments in commercial districts shall require off-street parking and maneuvering space that is *paved with non-dusting surface*. Such surface can consist of paving materials including, but not limited to, hot mix asphalt, tar and chip, and concrete. Excluded paving materials include by are not limited to gravel, stone, rock, dirt, wood, and brick. Upon approval of the Planning Commission through site plan review, rear areas not fronting a public street can consist of a surface other than that of a non-dusting nature.

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 feet (400') of the main entrance of such principal use.

C. Size and Maneuvering Room

Each parking space shall be equal to an area of two hundred (200 sq.ft.) square feet. The width shall not be less than ten feet (10') and the length shall not be less than eighteen feet (18'). A minimum of four hundred (400 sq.ft.) square feet per parking space shall be used when computing parking area to include maneuvering space. Except for dwellings with one (1) or two (2) dwelling units, all off-street parking facilities shall be so arranged that no vehicle shall have to back into any street.

D. Access

Each parking space must 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 spaces 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. Hotels, motels, tourist courts and similar transit lodging, rooming, or boarding house One (1) space for each unit to be rented plus one (1) space per two (2) employees.
3. Elementary, Middle or Junior High School - One (1) space per employee plus one (1) space for each one hundred fifty (150 sq.ft.) square feet of floor area in the seating area of any auditorium.
4. Senior High School - one (1) space for each classroom plus one (1) space for each staff member and employee other than teachers, plus one (1) space for each seven (7) students based on the capacity for which the building was designed. This provision is not applicable where parking spaces for an auditorium are provided.
5. Hospitals including nursing homes and sanitariums - One (1) space for each employee, two (2) spaces for each bed plus one (1) space for each emergency vehicle.
6. Public Assembly -
 - (a) Movie and other theaters and places of Public Assembly - One (1) space for each three (3) seats in the auditorium or one (1) space for each fifty (50 sq.ft.) square feet of seating floor area if seating is not fixed.
 - (b) Sports Assembly - One (1) space for each three (3) seats or six feet (6') of benches.
 - (c) Religious Activities - One (1) space per two (2) seats in the auditorium.
 - (d) Other - In places where seating is not a measure of capacity, such as funeral parlors and club houses, at least one (1) space for each one hundred (100 sq.ft.) square feet of floor space devoted to the particular use.
7. Public utility building - One (1) space for each employee.

8. Banks and office buildings - One (1) space for each one hundred and fifty (150 sq.ft.) square feet of total floor space.
9. Bus and railroad terminals - One (1) space for each employee, plus one (1) space for each two hundred (200 sq.ft.) square feet in the waiting room.
10. Clinic - Four (4) spaces for each doctor, plus one (1) space for every employee.
11. Automobile service station - Eight (8) spaces for each grease rack or similar facility, plus one (1) space for each gasoline pump.
12. Outdoor or indoor retail business use not previously listed - One (1) space for each one hundred-fifty (150 sq.ft.) square feet of total sales area, plus one (1) space for each two (2) employees.
13. Wholesale and distribution uses - One (1) space for each employee.
14. Industrial and manufacturing uses - One (1) space for each company-operated vehicle plus one (1) space for each two (2) employees computed on the average space of the two (2) largest consecutive shifts.
15. In all developments, handicapped parking spaces shall be provided which have a minimum width of twelve feet (12'). The number of handicapped parking spaces in relation to the total number of spaces is listed below:

<u>Total Spaces in Lot</u>	<u>Required # of Handicapped spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total

3.09 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.

3.10 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. Number of Access Points

There shall be no more than two (2) points of access to any one (1) public street on a lot of less than three hundred feet (300') but not more than one hundred feet (100') in width. Lots in excess of three hundred feet (300') may have two (2) points of access to any one (1) public street for each three hundred feet (300') of frontage. Lots less than one hundred feet (100') in width shall have no more than one (1) point of access to any one (1) public street.

B. Distance of Intersections

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

C. Width

A point of access, (i.e., a driveway or other opening for vehicles) onto a public street, shall not exceed twenty-five feet (25') in width for one-way, one lane ingress or egress and shall not exceed thirty-five feet (35') in width for two (2) way ingress and/or egress.

D. 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 Munford Building Inspector. 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 onto the sidewalk area.

E. Relation to State Highway Regulations

Access control of property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation.

F. Variances

Causes requiring variance relative to this action, and hardship not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals.

3.11 Manufactured Residential Dwellings

Manufactured residential dwellings, as defined in Chapter II of this Ordinance, and as further defined in **Tennessee Code Annotated**, Section 13-24-201, where allowed as a permitted use by this Ordinance shall meet the following conditions:

- A. The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
- B. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
- C. The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not exceed below the top of the foundation. Suitable exterior materials include, but shall not be limited to clapboards, simulated clapboards, such as conventional or metal materials, but excluding smooth, ribbed or corrugated metal or plastic panels.
- D. The hitches or towing apparatus, axles and wheels must be removed.
- E. The roof must be pitched so there is at least a two inch (2") vertical rise for each twelve inches (12") of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
- F. All such units shall be required to connect to a public utility system which includes gas, electric, water and wastewater in compliance with the Southern Standard Building Code and National Electrical Code.
- G. These provisions shall not apply to manufactured homes in an approved mobile home park.

3.12 Street Access

A building permit may not be issued for a building on a lot which does not abut a public street or permanent easement, as defined in the Munford Planning Region Subdivision Regulations, for at least fifty feet (50').

3.13 Procedures and Requirements for Site Plan Review

The following procedures and standards are established for those sections of this Ordinance which require the submission and approval of a site plan prior the issuance of a building permit or certificate of occupancy for any affected land, structures, or buildings. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by the Zoning Ordinance.

- A. **Site Plan Submission and Review** - Site plan review is required under three (3) separate instances by the Zoning Ordinance. These instances includes:
 - 1. Review and approval by the Munford Building Inspector prior to the issuance of a building permit.

2. Review and approval by the Munford Regional Board of Zoning Appeals prior to the approval of a permitted special exception.
3. Review and approval by the Munford Planning Commission as required by this Ordinance.

B. Review Procedure - In instances of review by the Munford Planning Commission or Regional Board of Zoning Appeals the following procedure shall apply:

1. The owner or developer shall submit ten (10) copies of the proposed site plan to the Building Inspector fifteen (15) days prior to the regular meeting date of the Planning Commission or Board of Zoning Appeals. The site plan shall be reviewed in light of the provisions of this Section and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the Secretary of the Planning Commission or Chairman of the Board of Zoning Appeals, whichever is applicable.
2. Prior to the regular Planning Commission or Regional Board of Zoning Appeals meeting, copies of the proposed site plan will be distributed by the Building Inspector to other affected City Departments to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the Planning Commission or Regional Board of Zoning Appeals. The owner, developer, or agent will be invited to attend the meeting when there are unresolved problem areas.

C. Building Inspector Review - In instances of review by the Munford Building Inspector prior to the issuance of a building permit the following procedure shall apply:

1. **Prior to the issuance** of a building permit, a site plan shall be submitted to the Building Inspector. The site plan shall be reviewed.
2. **Contents of the Site Plan** - The site plan shall include:
 - (a) Name of development or address.
 - (b) Name and address of owner of record and the applicant.
 - (c) Present zoning of the site and abutting property.
 - (d) Date, graphic scale, and north point with reference to source of meridian.
 - (e) Courses and distances of center of all streets and all property lines, highway setback lines, property restricting lines, easements, covenants reservations and rights-of -way.
 - (f) The total land area.
 - (g) Topography of existing round and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be

shown by dashed line illustrating two-foot contours and by spot elevation where necessary to indicate flat areas.

The Site Plan shall show the location of the following when existing:

- (a) Sidewalks, streets, alleys, easements and utilities.
- (b) Buildings and structures.
- (c) Public wastewater systems.
- (d) Slopes, terraces and retaining walls.
- (e) Driveways, entrances, exits, parking areas and sidewalks.
- (f) Water mains and fire hydrants.
- (g) Trees and shrubs.
- (h) Recreational areas and swimming pools.
- (i) Natural and artificial water courses.
- (j) Limits of flood plains.

The Site Plan shall show the location, dimensions, site and height of the following when proposed:

- (a) Sidewalks, streets, alleys, easements and utilities.
- (b) Buildings and structures including the front (street) elevation of proposed buildings.
- (c) Public wastewater systems.
- (d) Slopes and terraces, and retaining walls.
- (e) Driveways, entrances, exits, parking areas and sidewalks.
- (f) Water mains and fire hydrants.
- (g) Trees and shrubs.
- (h) Recreational areas.
- (i) Distances between buildings.
- (j) Estimates of the following when applicable:
 - (1) Number of dwelling units.
 - (2) Number of parking spaces.
 - (3) Number of loading spaces.
 - (4) Number of commercial or industrial tenants and employees.
 - (5) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.

- (6) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed building and structures. Proposed topography of the site shall be shown by two foot (2') contours.

In instances where the proposed construction is an individual single-family home, the site plan shall include the following:

- (a) All property lines and their surveyed distances and courses.
- (b) All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.
- (c) Total land area.
- (d) Present zoning of site and abutting properties.
- (e) Name, address of owner of record and applicant.
- (f) Provisions for utilities (water, sewer, etc.)
- (g) Location and dimensions of the proposed structures.

D. Planning Commission Review

In instances of review by the Munford Planning Commission prior to the issuance of a building permit, the following procedure shall apply:

1. **Prior to the issuance** of building permit a site plan shall be submitted to the Planning Commission. The plan shall be reviewed for compliance with the provisions of this Section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.
2. **Contents of the Site Plan** - The site plan shall show the following:
 - (a) Name of development or address.
 - (b) Name and address of owner of record and the applicant.
 - (c) Present zoning of the site and abutting property.
 - (d) Date, graphic scale, and north point with reference to source of meridian.
 - (e) Courses and distances of center of all streets and all property lines, highway setback lines, property restricting lines, easements, covenants, reservations and rights-of-way.
 - (f) The total land area.
 - (g) Topography of existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating two-foot (2') contours and by spot elevations where necessary to indicate flat areas.

(h) One (1) space for signed approval of the Planning Commission.

The Site Plan shall show the location of the following when existing:

- (a) Sidewalks, streets, alleys, easements and utilities.
- (b) Building and structures.
- (c) Public wastewater systems.
- (d) Slopes, terraces and retaining walls.
- (e) Driveways, entrances, exits, parking areas and sidewalks.
- (f) Water mains and fire hydrants.
- (g) Trees and shrubs.
- (h) Recreational areas and swimming pools.
- (i) Natural and artificial water courses.
- (j) Limits of flood plains.

The Site Plan shall show the location, dimensions, site and height of the following when proposed:

- (a) Sidewalks, streets, alleys, easements and utilities.
- (b) Buildings and structures including the front (street) elevation of proposed buildings.
- (c) Public wastewater systems.
- (d) Slopes and terraces, and retaining walls.
- (e) Driveways, entrances, exits, parking areas and sidewalks.
- (f) Water mains and fire hydrants.
- (g) Trees and shrubs.
- (h) Recreational areas.
- (i) Distances between buildings.
- (j) Estimates of the following when applicable.
 - (1) Number of dwelling units.
 - (2) Number of parking spaces.
 - (3) Number of loading spaces.
 - (4) Number of commercial or industrial tenants and employees.
 - (5) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits of flood plains, if any.
 - (6) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations

of proposed buildings and structures. Proposed topography of the site shall be shown to two foot (2') contours.

E. Board of Appeals Review - In instances of review by the Munford Regional Board of Zoning Appeals prior to the issuance of a building permit, the following procedure shall apply:

1. **Prior to the issuance** of a building permit a site plan shall be submitted to the Board of Zoning Appeals. The site plan shall be reviewed for compliance with the provisions of this section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.
2. **Contents of the Site Plan** - The site plan shall show the following:
 - (a) Name of development or address.
 - (b) Name and address of owner of record and the applicant.
 - (c) Present zoning of the site and abutting property.
 - (d) Date, graphic scale, and north point with reference to source of meridian.
 - (e) Courses and distances of center of all streets and all property lines.
 - (f) All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
 - (g) The total land area.
 - (h) Topography of existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating two foot (2') contours and by spot elevations where necessary to indicate flat areas.
 - (i) One (1) space for signed approval of the Board of Zoning Appeals.

The Site Plan shall show the location of the following when existing:

- (a) Sidewalks, streets, alleys, easements and utilities.
- (b) Building and structures.
- (c) Public wastewater systems.
- (d) Slopes, terraces and retaining walls.
- (e) Driveways, entrances, exits, parking areas and sidewalks.
- (f) Water mains and fire hydrants.
- (g) Trees and shrubs.
- (h) Recreational areas and swimming pools.
- (i) Natural and artificial water courses.
- (j) Limits of flood plains.

The Site Plan shall show the location, dimensions, site and height of the following when proposed:

- (a) Sidewalks, streets, alleys, easements and utilities.
- (b) Buildings and structures including the front (street) elevation of proposed buildings.
- (c) Public wastewater systems.
- (d) Slopes and terraces, and retaining walls.
- (e) Driveways, entrances, exits, parking areas and sidewalks.
- (f) Water mains and fire hydrants.
- (g) Trees and shrubs.
- (h) Recreational areas.
- (i) Distances between buildings.
- (j) Estimates of the following when applicable:
 - (1) Number of dwelling units.
 - (2) Number of parking spaces.
 - (3) Number of loading spaces.
 - (4) Number of commercial or industrial tenants and employees.
 - (5) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any.
 - (6) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures. Proposed topography of the site shall be shown by two (2) contours.

3.14 Specific Standards for Communications Towers

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for Communication Towers when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

1. Setbacks

- A. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to sixty (60%) percent of the tower height or the district yard requirements, which ever is greater.
- B. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, shall be equal to one hundred (100%) percent of the tower height.

2. Shared Use

- A. The shared use of existing towers shall be required throughout the Planning Region. The applicant's proposal for a new telecommunications tower shall not be approved unless the applicant can prove, through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons:
- (a) The planned equipment would exceed the structural capacity of the existing or approved tower and said tower does not have the capability to be upgraded.
 - (b) The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
 - (c) The planned equipment would not function effectively and reasonably on an existing tower.
 - (d) Geographic service requirements would prevent the course of an existing tower and structure.
- B. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of four (4) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower, use of the tower, if a future applicant agrees in writing, to pay any reasonable rate for the shared use.

3. Type

It is recommended that all new towers shall be of mono-pole type structure.

4. Structural Requirements

Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one half inch (.5") radial ice.

5. Screening and Landscaping

- A. For all ground structures and buildings, special care shall be taken to minimize the effects on adjacent residential areas.

- B. All ground structures shall be screened in a manner which consists of a minimum of an eight foot (8') wide landscaped strip around the perimeter of the security fencing. The screen shall consist of a combination of trees, shrubs, vines and ground covers that blends and enhances the appearance of the ground structures with the surrounding area. The screen shall be installed for the permanent year-round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight feet (8') or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.

6. Height

- A. No tower shall exceed a height of three hundred feet (300').
- B. In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower the maximum tower height shall not exceed the height of the structure plus twenty feet (20').

7. Co-Located Towers and Antennas

The co-location of towers and antennas shall only be permitted on compliant existing and proposed telecommunications towers, as well as public utility structures consisting of power line structures or water towers in excess of thirty five feet (35') in height.

8. Vehicle Access Control

The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan.

9. Lighting

- A. Towers: Artificial lighting of the tower shall be as required by the FAA (Federal Aviation Administration)
- B. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and shall not exceed 0.4 foot candles measured at the property line, easement line or abutting properties zoned for residential use.

10. Security

The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight feet (8').

11. Removal of Obsolete Towers

- A. Any tower that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the City of Munford with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of the ceasing of operations to remove the tower and all accessory structures, provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.
- B. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the Mayor of Munford and the city engineer and then approved by the Planning Commission during the site plan review process.

12. Site Plan Requirements

Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan shall be required in accordance with the following provisions and any site plan provisions included in the regulations for the applicable zoning district.

- A. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial user's accessory structure and the location of three (3) future accessory structures.
- B. A letter of intent from the owner and any successive owners allowing for the shared use of the tower,
- C. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and applicable structural standards and, also describes the tower's capacity which includes the number and type of antennas that can be accommodated.
- D. A letter indicating why existing towers within one (1) mile of the proposed tower location cannot be utilized.

13. Site Plan Procedure for Communication Towers

As a special provision to granting a building permit to any communication tower, two bodies must grant approval: the Board of Zoning Appeals and the Munford Planning Commission.

- A. A site plan for any new tower or transmitting device must be submitted first to the Munford Regional Board of Zoning Appeals. The BZA will review the site plan, stipulate any adjustments to the site plan, and then grant approval of the use on appeal.
- B. The site plan must then be presented to the Munford Municipal-Regional Planning Commission for final site plan approval before a building permit may be issues.

14. Permit Fees

Permit fees will be calculated based on Tipton County permit fees for communication towers and uninhabitable structures.

3.15 Requirement of a sign on property under consideration for rezoning.

The property owner shall post a white sign on any site under consideration for rezoning classification. The sign must be erected a minimum of fifteen (15) days prior to the date of the public hearing at which the petition for reclassification will be heard by the Board of Mayor and Aldermen. The sign shall be visible to pedestrians and motorists, no smaller than four feet by four feet (4'x4') and contain the following information displayed in black letters which are at least two inches (2") in height:

1. Name of person or company requesting the zoning Reclassification.
2. Current zoning classification
3. Requested zoning classification
4. Amount of acreage subject to rezoning
5. Date of public hearing

CHAPTER IV

ESTABLISHMENT OF DISTRICTS

4.01 Classification of Districts

For the purposes of this Ordinance, the Munford Planning Region, Tipton County, Tennessee, is hereby divided into five (5) regular districts and one (1) overlay district, designated as follows:

FAR	(Forestry-Agricultural-Residential)
R	(Residential)
R-MH	(Residential-Mobile Home)
C	(Commercial)
I	(Industrial)
F	(Flood) – overlay

4.02 Boundaries of Districts

A. General

The boundaries of districts in Section 4.01 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Official Zoning Map, Munford Planning Region, Tipton County, Tennessee", which is part of this Ordinance and is on file at Munford City Hall.

B. Exact Determination

Unless otherwise indicated, boundaries as shown on the Official Zoning Map as following lot lines, the center lines of streets or alleys, the center line of railroad right-of-way lines; or regional boundary lines shall be construed to follow such lines. Questions concerning the exact location of district boundaries shall be determined by the Board of Zoning Appeals.

CHAPTER V

PROVISIONS GOVERNING FAR, FORESTRY AGRICULTURAL DISTRICTS

General Description

This district is intended to be used primarily for agricultural, 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. As the Munford 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 wastewater 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 certain uses on appeal which provide non-commercial services to the district or the district and other parts of the county, subject to appropriate conditions and safeguards.

Within the FAR (Forestry-Agriculture-Residential) District, the following regulations shall apply:

5.01 Uses Permitted

Forestry and agricultural uses; single-family dwellings and customary accessory buildings; manufactured residential dwellings and mobile homes as defined in Chapter II; small roadside stands for sale of farm products raised on the same property; and signs.

5.02 Uses Permitted on Appeal

Following public notice and hearing and provided other requirements set forth in this Chapter and Section 13.04, Paragraph B are met, the Board of Zoning Appeals may permit:

- A. **Public and Semi-Public Uses** - Churches; schools; public recreation uses; other suitable public and semi-public uses; and customary accessory buildings for these uses.

- B. **Incidental Home Occupations** - Customary incidental home occupations; provided that no building permit or certificate of occupancy for such use shall be issued without 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. Location - The proposed use shall be located and conducted in the principal building only.

2. Principals and employees - The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
3. Floor area - Not more than twenty percent (20%) of the total floor area in a dwelling unit shall be devoted to such use.
4. Storage - The proposed use shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
5. Visibility - No activity, material, goods, or equipment indicative of the proposed use shall be visible from any public street or alley.
6. Advertising - The proposed use shall not be advertised by the use of signs on the lot on which the proposed use is located.
7. Undesirable effects - The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
8. On-Site Retail Sales - Retail sales of firearms shall not be permitted as a home occupation.

C. **Mining** - Mining and quarrying of non-metallic minerals(except fuels) as defined in the Standard Land Use Manual; provided that no mining takes place until written approval has been granted by the Board of Zoning Appeals. The grant of approval shall expire two (2) years from the date of approval and the operator shall be required to reapply to the Board of Zoning Appeals for continuation of the use. Before approval by the Board of Zoning Appeals the applicant shall be required to adhere to the following requirements.

1. No excavation shall occur or take place closer than two hundred fifty feet (250') to a residential structure or designated flood hazard area; within one hundred feet (100') of any street right-of-way; within seventy five feet (75') of the perimeter of the site of the sand, gravel or other extraction operation. However, if the owner of the property adjoining, abutting or adjacent to the property agrees, in writing, such excavation may encroach to within thirty feet (30') of the adjoining property owners line provided the encroachment does not violate the provisions of this section, relative to setback, for other adjoining property owners.
2. No haul roads, accessory structures, storage of vehicles, cutting or filling shall occur or take place closer than seventy five feet (75') of the perimeter of the site of the sand, gravel or other extraction operation. However, if the owner of the property adjoining, abutting or adjacent to the property agrees , in writing, such excavation may encroach to within thirty feet (30') of the adjoining property owners line provided the encroachment

does not violate the provisions of this section, relative to setback, for other adjoining property owners.

3. Equipment used in sand, gravel, or other extraction or processing operations shall be operated in such a manner that noise and vibrations are prevented, to the extent possible, from emanating beyond the boundaries of the site of the mining, extraction, or processing operations.
4. The location and surfacing of driveways providing ingress and egress to and from the site are subject to the review and approval by the Board of Zoning Appeals.
5. Shall be required to take such measures as the City of Munford or the county road supervisor deems necessary and proper to adequately maintain the county roads proposed for use by the applicant. A bond in an amount adequate to correct damages occurring as a result of the use of these roads by the applicant can be required by the City of Munford or the county road supervisor;
6. Shall be required to submit a signed and certified notice of intent permit to comply with all state regulations governing the discharge of storm water associated with the proposed activity. The notice of intent will have been filed with the Tennessee Department of Environment and Conservation, Division of Water Pollution Control;
7. Shall provide a copy of the National Pollutant Discharge Elimination System Permit which is issued by the Tennessee Department of Environment and Conservation, Mining Section.
8. Shall provide the City of Munford with a surety instrument (i.e. letter of credit, bond) in the amount of \$2,500.00 for each acre affected by the respective operation. The bond shall be for one (1) year and must be redeemed annually until reclamation in accordance with the reclamation plan, has occurred. The City of Munford reserves the right, after a period of two (2) years, to draw upon a surety instrument to initiate a reclamation process if reclamation has not be adequately addressed by the permittee. The failure by a permittee to annually redeem a surety instrument shall deem the mining permit invalid, causing suspension of all mining operations and the resubmittal of an application.
9. Shall provide and have approved by the Munford City Engineer a Soil Erosion Control Plan, a Reclamation Plan and a Re-vegetation Plan. All plans shall comply with the adopted standards of the Department of Health, Environment and Conservation; and,
10. Shall present a detailed site plan drawn to a scale of one inch equals two hundred feet (1"=200'), which includes all relevant information in Chapter III, 3.13E, Procedures and Requirements for Site Plan Approval, and shall include the following additional information;

- a) The name of the owner of the mineral rights:
- b) The name of the owner of the surface rights:
- c) The name of the operator of the proposed activity:
- d) The total number of acres to be disturbed:
- e) A certification as to the accuracy of the plan by the person responsible for its preparation:
- f) The boundaries for which the permit is requested and the boundaries of the parcel on which the requested area is located:
- g) The location of all existing or proposed haul or access roads to be used by the mining operator:
- h) The location of any existing structures, publicly owned lands, or utility facilities within one thousand feet (1000') of the affected area:
- i) The location of all streams and standing bodies of waters in or within one thousand feet (1000') of the proposed area:

D. Uses Permitted on Appeal

Communication Towers according to the provisions of Section 3.14 of Chapter III (General Provisions) of the Munford Regional Zoning Ordinance.

5.03 Uses Prohibited

Mobile home parks and other uses not specifically permitted or implied.

5.04 Minimum Lot Sizes

A. Uses Permitted - One (1) acre or 43,560 square feet or more as required for compliance with Public Health Wastewater regulations.

B. Uses Permitted on Appeal

- 1. Churches - One (1) acre or two hundred (200 sq.ft.) square feet of a lot area per auditorium seat, whichever is greater or additional acreage as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.
- 2. Schools - Five (5) acres plus one (1) acre for each one hundred (100) students or additional acreage as required by the State Board of Education,

the Board of Zoning Appeals or for compliance with the Public Health Wastewater regulations.

3. Other Uses - One (1) acre or more as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.

5.05 Minimum Lot Width at Building Line

A. **Uses Permitted** - One hundred feet (100').

B. **Uses Permitted on Appeal**

1. Churches and schools - Two hundred feet (200') or more as required by the Board of Zoning Appeals.
2. Other Uses - One hundred feet (100') or more as required by the Board of Zoning Appeals.

5.06 Minimum Front Yard Depth

A. **Uses Permitted**

1. All lots fronting on arterial streets - Sixty feet (60').
2. All other lots - Thirty-five feet (35').

B. **Uses Permitted on Appeal**

1. All lots fronting on arterial streets – Sixty feet (60') or more as required by the Board of Zoning Appeals.
2. All other lots - Forty feet (40') or more as required by the Board of Zoning Appeals.

5.07 Minimum Side Yard Width on Each Side of Lot

A. **Uses Permitted** – Fifteen feet (15').

B. **Uses Permitted on Appeal**

1. Churches and schools - Thirty feet (30') or more as required by the Board of Zoning Appeals.
2. All Other Uses - Fifteen feet (15') or more as required by the Board of Zoning Appeals.

5.08 Minimum Rear Yard Depth

- A. **Uses Permitted** - Thirty feet (30').
- B. **Uses Permitted on Appeal** – Thirty feet (30') or more as required by the Board of Zoning Appeals.

5.09 Maximum Building Coverage (total for all buildings)

- A. **Uses Permitted** - Twenty-five (25%) percent of the area of such lots.
- B. **Uses Permitted on Appeal** - Fifty (50%) percent or less as required by the Board of Zoning Appeals.

5.10 Maximum Height of Buildings

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided they comply with all other pertinent codes and Ordinances, and provided they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5').

5.11 Maximum Number of Principal Buildings Permitted

- A. Residential uses shall be limited to one (1) principal building per lot.
- B. Uses other than residential shall have no limitations as to the number of buildings, but the aggregate of all buildings shall not exceed fifty (50%) percent of the entire lot area or less if required by the Board of Zoning Appeals.

CHAPTER VI

PROVISIONS GOVERNING THE R, RESIDENTIAL DISTRICTS

General Description

This district is intended primarily to allow low density single-family residential development in areas suitable for such development. These areas tend to have access to a public water system but not a public wastewater system. This situation is reflected in the district regulations. The district is also intended to allow certain uses on appeal which provide various services to the district or the district and other parts of the county.

Within the R (Residential) District, the following regulations shall apply.

6.01 Uses Permitted

Single-family dwellings and customary accessory buildings; manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 3.11 of this Ordinance; and 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 feet (15') from all lot lines.

6.02 Uses Permitted on Appeal

Following public notice and hearing and provided other requirements set forth in this Chapter and Section 13.04, Paragraph B are met, the Board of Zoning Appeals may permit:

A. Public and Semi-Public Uses

Churches; schools; golf courses and clubs; other suitable public and semi-public uses; and customary accessory buildings for these uses.

B. Incidental Home Occupations

Customary incidental home occupations; provided that no building permit or certificate of occupancy for such use shall be issued without 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. Location - The proposed use shall be located and conducted in the principal building only.
2. Principals and employees - The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.

3. Floor area - Not more than twenty (20%) percent of the total floor area in a dwelling unit shall be devoted to such use.
4. Storage - The proposed use shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
5. Visibility - No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public street or alley.
6. Advertising - The proposed use shall not be advertised by the use of signs on the lot on which the proposed use is located.
7. Undesirable effects - The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
8. On-Site Retail Sales - Retail sales of firearms shall not be permitted as a home occupation.

6.03 Uses Prohibited

Mobile homes, mobile home parks and other uses not specifically permitted or implied.

6.04 Minimum Lot Sizes

A. Uses Permitted

Twenty-thousand (20,000sq. ft.) square feet or more as required for compliance with Public Health Wastewater regulations or twelve thousand five hundred (12,500 sq.ft.) square feet or more if the lot is serviced by public sewer and water.

B. Uses Permitted on Appeal

1. Churches - One (1) acre or two hundred (200 sq.ft.) square feet of lot area per auditorium seat, whichever is greater or additional acreage as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.
2. Schools - Five (5) acres plus one (1) acre for each one hundred (100) students or more as required by the State Board of Education, the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.
3. Other Uses - Twenty-thousand (20,000 sq.ft.) square feet or more as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.

6.05 Minimum Lot Width at Building Line

A. Uses Permitted - One hundred feet (100').

B. Uses Permitted on Appeal

1. Churches and Schools - Two hundred feet (200') or more as required by the Board of Zoning Appeals.
2. Other Uses - One hundred feet (100') or more as required by the Board of Zoning Appeals.

6.06 Minimum Front Yard Depth

A. Uses Permitted

1. All lots fronting on an arterial street - Fifty feet (50').
2. All other lots - Thirty-five feet (35').

B. Uses Permitted on Appeal

1. All lots fronting on an arterial street – Fifty feet (50') or more as required by the Board of Zoning Appeals.
2. All other lots - Forty feet (40') or more as required by the Board of Zoning Appeals.

6.07 Minimum Side Yard Width on Each Side of Lot

A. Uses Permitted - Fifteen feet (15').

B. Uses Permitted on Appeal

1. Churches and Schools – Thirty feet (30') or more as required by the Board of Zoning Appeals.
2. All other uses - Fifteen feet (15') or more as required by the Board of Zoning Appeals.

6.08 Minimum Rear Yard Depth

A. Uses Permitted - Twenty-five feet (25').

B. Uses Permitted on Appeal

1. Churches and Schools - Thirty feet (30') or more as required by the Board of Zoning Appeals.
2. All other uses - Twenty-five feet (25') or more as required by the Board of Zoning Appeals.

6.09 Maximum Building Coverage (total of all buildings)

A. Uses Permitted - Thirty (30%) percent.

B. Uses Permitted on Appeal - Fifty (50%) percent or less as required by the Board of Zoning Appeals.

6.10 Maximum Heights of Buildings

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided they comply the provisions of all other pertinent codes and Ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5').

6.11 Maximum Number of Principal Buildings Permitted

A. Residential uses shall be limited to one (1) principal building per lot.

B. Uses other than residential shall have no limitations as to the number of buildings, but the aggregate of all buildings shall not exceed fifty (50%) percent of the entire lot area or less if required by the Board of Zoning Appeals.

CHAPTER VII

PROVISIONS GOVERNING RESIDENTIAL-MOBILE HOME DISTRICTS

General Description

This district is intended to allow a mixture of residential development including individual mobile homes and mobile home parks or subdivisions. Areas designated as Residential-Mobile Home will be suitable for low to moderate density development in the form of single-family (including individual mobile homes), two (2) family and multi-family dwellings as well as mobile home parks and subdivisions. The designated areas tend to have access to a public water system, but not necessarily a public wastewater system. This district is also intended to allow certain uses on appeal which provide non-commercial services to the district or the district and other parts of the county, subject to appropriate conditions and safeguards.

Prior to the issuance of a building permit for construction of two (2) family dwellings, multi-family dwellings or mobile home parks, the developer shall submit a site plan to the Planning Commission for review and approval as required in Section 3.13 of this Ordinance.

Within the R-MH (Residential-Mobile Home) District, the following regulations shall apply:

7.01 Uses Permitted

- A. Single-family dwellings including individual mobile homes and manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 3.11 of this Ordinance.
- B. Two (2) family dwellings (duplex).
- C. Multi-family dwellings (townhouses, condominiums and apartments).
- D. Mobile home parks or subdivisions.
- E. Customary accessory buildings incidental to the above permitted uses.
- F. Real estate signs advertising the sale, rental and leasing of only the premises on which they are maintained provided they are not over four (4 sq. ft.) square feet in area and at least fifteen feet (15') from all lot lines.

7.02 Uses Permitted on Appeal

Following public notice and hearing and provided other requirements set forth in this Chapter and Section 13.04, Paragraph B are met, the Board of Zoning Appeals may permit:

- A. **Public and Semi-Public Uses** - Churches; schools; golf courses and clubs; other suitable public and semi-public uses; and customary accessory buildings for these uses.
- B. **Other Uses** - Travel trailer parks and customary accessory buildings.

- C. **Incidental Home Occupations** - Customary incidental home occupations; provided that no building permit or certificate of occupancy for such use shall be issued without 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. Location - The proposed use shall be located and conducted in the principal building only.
 2. Principals and employees - The principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
 3. Floor area - Not more than twenty (20%) percent of the total floor area in a dwelling unit shall be devoted to such use.
 4. Storage - The proposed use shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
 5. Visibility - No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public street or alley.
 6. Advertising - The proposed use shall not be advertised by the use of signs on the lot which the proposed use is located.
 7. Undesirable effects - The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the character of the neighborhood in which the proposed use is located.
 8. On-Site Retail Sales - Retail sales of firearms shall not be permitted as a home occupation.

D. **Wood Kitchen Cabinets** provided the following provisions are adhered to:

1. All activities associated with the constructions of the Cabinets occurs inside of a building.
2. All materials associated with the use is stored inside the building.
3. All waste products are properly disposed of in a waste receptacle.
4. The health department grants, through a letter, that the septic tank approved for the lot is acceptable to handle the proposed use.

E. Criteria for Review

1. All area, yard, density and parking requirements shall be met.
2. All site plan requirements, as set forth in Section 3.13 shall be submitted prior to consideration by the Board. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Munford.
3. The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These shall include but not be limited to setbacks, screening, lighting, parking location and layout, access, and general landscaping requirements. This power of review shall not include the authority to specify or alter architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

7.03 Uses Prohibited

Any use not specifically permitted or implied.

7.04 Minimum Lot Sizes

A. Uses Permitted

1. Single-family dwellings (including mobile homes on individual lots) - Twenty-thousand (20,000 sq.ft.) square feet or more as required for compliance with Public Health Wastewater Regulations.
2. Two-family dwellings (duplexes) - Twelve thousand (12,000 sq.ft.) square feet per dwelling unit or more as required for compliance with Public Health Wastewater Regulations.
3. Multi-family dwellings (apartments, townhouses, condominiums) - Seven thousand (7,000 sq.ft.) square feet for the first unit and two thousand (2,000 sq.ft.) square feet for each additional dwelling unit or more as required for compliance with Public Health Wastewater Regulations.
4. Mobile Home Parks or Subdivisions - Two (2) acres or more as required for compliance with Public Health Wastewater regulations with fifteen (15%) percent of the park area set aside for recreation and open space requirements.
5. Single-family mobile homes within a mobile home park or subdivision - Four thousand five hundred (4500 sq.ft.) square feet per individual mobile home space.

B. Uses Permitted on Appeal

1. Churches - One (1) acre or two hundred (200 sq.ft.) square feet of lot area per auditorium seat, whichever is greater or additional acreage as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.
2. Schools - Five (5) acres plus one (1) acre for each one hundred (100) students or more as required by the State Board of Education, Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.
3. Travel Trailer Parks - Five (5) areas or more as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations with fifteen (15%) percent of the park set aside for recreation and open space requirements.
4. Other Uses - Twenty thousand (20,000 sq.ft.) square feet or more as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.

7.05 Minimum Lot Width at Building Line

A. Uses Permitted

1. Mobile Home Parks - One hundred feet (100') for the overall development (periphery) with fifty feet (50') per individual mobile home space.
2. All Other Lots - One hundred feet (100').

B. Uses Permitted on Appeal

1. Churches and Schools - Two hundred feet (200') or more as required by the Board of Zoning Appeals.
2. Other Uses - One hundred feet (100') or more as required by the Board of Zoning Appeals.

7.06 Minimum Front Yard Depth

A. Uses Permitted

1. Mobile Home Parks fronting on Arterial Streets - Fifty feet (50') for the overall development with twenty feet (20') per individual interior front yard.
2. All other Lots fronting on Arterial Streets - Fifty feet (50').

3. Mobile Home Parks fronting on other than an Arterial Street - Thirty-five feet (35') for the overall development with twenty feet (20') per individual interior front yard.
4. All Other Lots fronting on other than an Arterial Street - Thirty-five feet (35').

B. Uses Permitted on Appeal

1. All lots fronting on arterial streets - Fifty feet (50') or more as required by the Board of Zoning Appeals.
2. All other lots - Forty feet (40') or more as required by the Board of Zoning Appeals.

7.07 Minimum Side Yard Width on Each Side of Lot

A. Uses Permitted

1. Mobile Home Parks – Twenty feet (20') for the overall development with ten feet (10') per each individual interior side yard.
2. All other lots - Fifteen feet (15').

B. Uses Permitted on Appeal

1. Churches and Schools - Thirty feet (30') or more as required by the Board of Zoning Appeals.
2. All Other Uses - Fifteen feet (15') or more as required by the Board of Zoning Appeals.

7.08 Minimum Rear Yard Depth

A. Uses Permitted

1. Mobile Home Parks - Twenty-five feet (25') for the overall development with ten feet (10') per individual interior rear yard.
2. All other lots - Twenty-five feet (25').

B. Uses Permitted on Appeal

1. Public and semi-public uses - Thirty feet (30') or more as required by the Board of Zoning Appeals.
2. Other Uses - Twenty-five feet (25') or more as required by the Board of Zoning Appeals.

7.09 Maximum Building Coverage (total for all buildings)

A. Uses Permitted

1. Mobile Home Parks - Fifty (50%) percent.
2. All other uses - Thirty (30%) percent.

B. Uses Permitted on Appeal - Fifty (50%) percent or less as required by the Board of Zoning Appeals.

7.10 Maximum Height of Buildings

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances and provided they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5').

7.11 Maximum Number of Principal Buildings Permitted

A. Single-family and two (2) family dwellings shall be limited to one (1) principal building per lot. Apartment complexes, townhouses, condominiums and mobile home parks shall have no limitations on the number of principal buildings per lot provided the lot area and site plan requirements are met.

B. Uses other than residential shall have no limitations as to the number of buildings but the aggregate of all buildings shall not exceed fifty (50%) percent of the entire lot area or less if required by the Board of Zoning Appeals.

7.12 Site Plan Review

Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter III, Section 3.13 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Munford.

CHAPTER VIII

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

General Description

The primary purpose of this district is to allow a wide range of commercial establishments in areas suitable for such development. It provides small towns and rural areas 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 the surrounding areas. In addition, certain other uses are allowed on appeal, provided that appropriate conditions and safeguards are satisfied.

Prior to the issuance of a building permit for construction of a commercial establishment, the developer shall submit a site plan to the Planning Commission for review and approval as required in Section 3.13 of this Ordinance.

Within the C (Commercial) District, the following regulations shall apply.

8.01 Uses Permitted

A. Retail Trade

1. Retail trade - building materials, hardware and farm equipment
2. Retail - general merchandise
3. Retail trade - food
4. Retail trade - automotive, marine craft, aircraft and accessories
5. Retail trade - apparel and accessories
6. Retail trade - furniture, home furnishing and equipment
7. Retail trade - eating and drinking
8. Other retail trade not elsewhere coded

B. Services

1. Finance, insurance and real estate services
2. Personal services
3. Business services
4. Repair services
5. Professional services
6. Contract Construction services
7. Educational Services

8. Miscellaneous services

C. **Amusements**

D. **Recreational Activities**

E. **Transient lodgings**

1. motels
2. tourist courts
3. hotels

E. **Public uses** - including but not limited to Municipal, State or Federal uses such as schools, museums, office buildings and utilities

F. **Educational services**

G. **Miscellaneous services**

H. **Public Assembly**

I. **Accessory buildings** - Accessory buildings customarily incidental to **the permitted use.**

J. **Signs** - as permitted in Chapter III, Section 3.07

8.02 **Uses Permitted on Appeal**

Following public notice and hearing and provided other requirements set forth in this Chapter and Section 13.04, Paragraph B are met, the Board of Zoning Appeals may permit:

A. **Public and Semi-Public Uses** - Churches; schools; suitable public and semi-public uses; and customary accessory buildings for these uses.

B. **Other Uses** - Public transportation service and repair, and accessory structures which are customarily incidental to such uses.

C. Criteria for Review

1. All area, yard, density and parking requirements shall be met.
2. All site plan requirements, as set forth in Section 3.13 shall be submitted prior to consideration by the Board. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Munford.
3. The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These shall include but not be limited to setbacks, screening, lighting, parking location and layout, access, and general landscaping requirements. This power of review shall not include the authority to specify or alter architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

D. Wood Kitchen Cabinets provided the following provisions are adhered to:

1. All activities associated with the constructions of the Cabinets occurs inside of a building.
2. All materials associated with the use is stored inside the building.
3. All waste products are properly disposed of in a waste receptacle.
4. The health department grants, through a letter, that the septic tank approved for the lot is acceptable to handle the proposed use.

E. Communication Towers

Communication Towers according to the provisions of Section 3.14 of Article III (General Provisions) of the Munford Regional Zoning Ordinance.

8.03 Uses Prohibited

Dwellings and other uses not specifically permitted with or without appeal in this chapter

8.04 Minimum Lot Sizes

- A. Uses Permitted** - Twenty thousand (20,000 sq.ft.) square feet or more as required for compliance with Public Health Wastewater Regulations.

B. Uses Permitted on Appeal

1. Churches - One (1) acre or two hundred (200 sq.ft.) square feet of lot area per auditorium seat, which ever is greater or additional acreage as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.
2. Schools - Five (5) acres plus one (1) acre for each one hundred (100) students or additional acreage as required by the State Board of Education, the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.
3. Other Uses -Twenty thousand (20,000 sq.ft.) square feet or more as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.

8.05 Minimum Lot Width at Building Line

A. Uses Permitted - One hundred feet (100’).

B. Uses Permitted on Appeal

1. Churches and schools - Two hundred feet (200’) or more as required by the Board of Zoning Appeals.
2. Other Uses - One hundred feet (100’) or more as required by the Board of Zoning Appeals.

8.06 Minimum Front Yard Depth

A. Uses Permitted

1. All lots fronting on an arterial street - Fifty feet (50’).
2. All other lots – Thirty feet (30’).

B. Uses Permitted on Appeal

1. All lots fronting on arterial streets - Fifty feet (50’) or more as required by the Board of Zoning Appeals.
2. All other lots - Thirty feet (30’) or more as required by the Board of Zoning Appeals.

8.07 Minimum Side Yard Width on Each Side of Lot

A. Uses Permitted - No side yard is required, except that the width of a side yard which abuts a residential district shall not be less than twenty feet (20’).

B. Uses Permitted on Appeal

1. Churches and Schools - Thirty feet (30') or more as required by the Board of Zoning Appeals.
2. Other Uses - 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 feet (20').

8.08 Minimum Rear Yard Depth

A. Uses Permitted

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 feet (30') in depth. The depth of a rear yard which abuts a residential district shall be not less than ten feet (10'). 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 feet (10'). In all other cases, no rear yard is required.

B. Uses Permitted on Appeal

1. Public or Semi-Public Uses - Thirty feet (30') or more as required by the Board of Zoning Appeals.
2. Other Uses - Where a building is to be serviced from the rear, there shall be provided an alley, service court, rear yard, or combination thereof of thirty feet (30') or more as required by the Board of Zoning Appeals. The depth of a rear yard which abuts a residential district shall be ten feet (10') or more as required by the Board of Zoning Appeals. In all other cases, no rear yard is required.

8.09 Maximum Building Coverage (total for all buildings)

A. Uses Permitted - Sixty (60%) percent.

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

8.10 Maximum Heights of Buildings

No building shall exceed three (3) stories or thirty-five feet (35') in height except that free-standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided they comply with all other pertinent codes and Ordinances, and provided they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5').

8.11 Off-Street Parking, Access Control, Loading and Unloading Requirements

As indicated in Chapter III, Section 3.08, 3.09 and 3.10 of this Ordinance.

8.12 Site Plan Review

Prior to the issuance of a building permit all site plan requirements as set forth in Chapter III, Section 3.13 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Munford.

CHAPTER IX

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

General Description

The purpose of this district is to allow industrial development in areas suitable for such use. Regulations are designed so as to discourage formation of future industrial slums, to preserve the carrying capacity of streets and to provide for adequate off-street parking.

Prior to the issuance of a building permit within this district, the developer shall submit a site plan to the Planning Commission for review and approval as required in Section 3.13 of this Ordinance.

Within the I (Industrial) District the following regulations shall apply:

9.01 Uses Permitted

A. Wholesale Trade, including:

1. Motor vehicles and automotive equipment - wholesale
2. Drugs, chemicals and allied products - wholesale
3. Dry goods and apparel - wholesale
4. Groceries and related products - wholesale
5. Farm products (raw materials) - wholesale except for livestock, horses and mules - wholesale
6. Electrical goods - wholesale
7. Hardware, plumbing and heating equipment and supplies - wholesale
8. Machinery, equipment, and supplies - wholesale
9. Other wholesale trade not elsewhere coded - limited to
 - (a) Metals and minerals (Except petroleum products and scrap) wholesale
 - (b) Tobacco and tobacco products - wholesale
 - (c) Beer, wine and distilled alcoholic beverages - wholesale
 - (d) Paper and paper products - wholesale
 - (e) Furniture and home furnishings - wholesale
 - (f) Lumber and construction materials - wholesale
 - (g) Other wholesale trade not elsewhere coded - except for scrap and water materials – wholesale

B. Retail trade - limited to:

1. Retail trade - eating and drinking
2. Retail trade - materials, hardware and farm equipment

C. Business services - limited to:

1. Dwelling and other building services
2. Warehousing and storage services

C. Repair Services

D. Professional Services - limited to:

1. Medical laboratory services
2. Dental laboratory services
3. Other medical and health services

E. Contract construction services

F. Governmental services

G. Agricultural related activities - limited to: animal husbandry services

I. Manufacturing - including

1. Apparel and other finished products made from fabrics, leather and similar materials - manufacturing except for:
 - (a) Leather tanning and finishing
2. Furniture and fixtures - manufacturing
3. Printing, publishing and allied industries
4. Rubber and miscellaneous plastic products - manufacturing
5. Fabricated metal products - manufacturing
6. Professional, scientific and controlling instrument; photographic and optical goods; watches and clock - manufacturing
7. Miscellaneous manufacturing not elsewhere coded

K. Motor vehicle transportation

K. Communication

L. Utilities

M. Other - transportation, communication and utilities not elsewhere coded

N. Signs - as permitted in Chapter III, Section 3.07

9.02 Uses Permitted on Appeal

Communication Towers according to the provisions of Section 3.14 of Article III (General Provisions) of the Munford Municipal Zoning Ordinance.

9.03 Uses Prohibited

Any use not specifically permitted by the terms of this Chapter or permissible on appeal.

9.04 Minimum Lot Sizes

A. Uses Permitted - One (1) acre.

B. Uses Permitted on Appeal - One (1) acre or more as required by the Board of Zoning Appeals or for compliance with Public Health Wastewater regulations.

9.05 Minimum Lot Width

A. Uses Permitted - One hundred fifty feet (150').

B. Uses Permitted on Appeal - One hundred fifty feet (150') or more as required by the Board of Zoning Appeals.

9.06 Minimum Front Yard Depth

- A. **Uses Permitted** - All lots - Fifty feet (50’).

- B. **Uses Permitted on Appeal** - All lots - Fifty feet (50’) or more as required by the Board of Zoning Appeals.

9.07 Minimum Side Yard Width on Each Side

- A. **Uses Permitted** - Twenty feet (20’).

- B. **Uses Permitted on Appeal** - Twenty feet (20’) or more as required by the Board of Zoning Appeals.

9.08 Minimum Rear Yard Depth

- A. **Uses Permitted** - 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 feet (30’) in depth. The depth of a rear yard which abuts a residential district shall be not less than fifteen feet (15’).

- 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 of not less than thirty feet (30’) in depth. The depth of a rear yard which abuts a residential district shall be not less than fifteen feet (15’) or more as required by the Board of Zoning Appeals.

9.09 Maximum Building Coverage (total for all buildings)

- A. **Uses Permitted** - Sixty (60%) percent

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

9.10 Maximum Height of Buildings

No building shall exceed three (3) stories or thirty-five feet (35’) in height except that free-standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and Ordinances and provided they are located no closer to the nearest property line than the distance equal to their own height plus five feet (5’).

9.11 Off Street Parking, Access Control, Loading and Unloading Requirements

As indicated in Chapter III, Section 3.08, 3.09 and 3.10 of this Ordinance.

9.12 Site Plan Review

Prior to the issuance of a building permit all site plan requirements as set forth in Chapter III, Section 3.13 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the City of Munford.

CHAPTER X

ARTICLE VII

PROVISIONS GOVERNING FLOOD OVERLAY DISTRICTS

General Description

This district provides for regulating the floodplain areas of the Munford Planning Region to minimize the danger to life and property and to allow citizens in the Planning Region to participate in the National Flood Insurance Program.

10.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-301 through 13-7-306, **Tennessee Code Annotated** delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, the Board of Mayor and Aldermen of Munford, Tennessee, does resolve as follows:

B. Findings of Fact

1. The Munford Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of the Munford Planning Region are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

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

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

D. Objectives

The objectives of this Ordinance are:

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

10.02 DEFINITIONS

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

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

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

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

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

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

Area of Shallow Flooding means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

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

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

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

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

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

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

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

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

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

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

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

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

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

Existing Structures see **Existing Construction**.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

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

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

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

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

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

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

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

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

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, structures and their contents.

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

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

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

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

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

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

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

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

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

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or

- b. Directly by the Secretary of the Interior.

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

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

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

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term Manufactured Home does not include a Recreational Vehicle, unless such transportable structures are placed on a site for one hundred eighty (180) consecutive days or longer.

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

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

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

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

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

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

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

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

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

Recreational Vehicle means a vehicle which is:

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

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

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

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

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

State Coordinating Agency The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

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

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

Substantial Improvement means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50%) percent of the market value of the structure before the start of construction of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

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

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

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

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

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

10.03 GENERAL PROVISIONS

A. Application

This Ordinance shall apply to all areas within the incorporated areas within the Planning Region of Munford, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Tipton County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) 47167C0305F, 47167C0310F, 47167C0315F, Community Panel Numbers 305F, 310F, and 315F dated December 19, 2006, and Flood Insurance Rate Map (FIRM) 47167C0315G, Community Panel Number 315G dated May 4, 2009 along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering

considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Tipton County, Tennessee, or Munford, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Munford, Tennessee from taking such other lawful actions to prevent or remedy any violation.

10.04 ADMINISTRATION

A. Designation of Ordinance Administrator

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

B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities.

The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Article IV, Section B.

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

2. **Construction Stage**

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

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

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

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

C. **Duties and Responsibilities of the Administrator**

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

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and

submission of evidence of such notification to the Federal Emergency Management Agency.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Section 10.04, subsection (B).
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 10.04, subsection (B).
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section 10.04, subsection (B).
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or flood proofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 10.04, subsection (B).

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be

maintained in a separate file or marked for expedited retrieval within combined files.

10.05 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

B. Specific Standards

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

1. **Residential Construction.** Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section 10.05, subsection (B).

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

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

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or flood proofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in Section 10.04, subsection (B).

Buildings located in all A-zones may be flood proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 10.04, subsection (B).

3. **Elevated Building.** All new construction or substantial improvements to existing buildings that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or

required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - 1) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V, Section B, of this Ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one foot (1') above the level of the base flood elevation; or,
 - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or

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

- c. Any manufactured home which has incurred "substantial damage" as the result of a flood or that has substantially improved must meet the standards of Section 10.05, subsection (B)(4) of this Ordinance.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed on identified flood hazard sites must either:
 - 1) Be on the site for fewer than one hundred eighty (180) consecutive days;
 - 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.

5. Standards for Subdivisions

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

If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

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

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

Located within the Areas of Special Flood Hazard established in Section 10.03, subsection (B), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Section 10.05.

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

Located within the Areas of Special Flood Hazard established in Section 10.03, subsection (B), where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 10.05, subsection (B).

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

Located within the Areas of Special Flood Hazard established in Section 10.03, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 10.05. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet (3') above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 10.05, subsection (B), and "Elevated Buildings".

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

Located within the Areas of Special Flood Hazard established in Section 10.03, subsection (B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 10.05, subsection (B), and "Elevated Buildings".
2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together

with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one foot (1') above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three feet (3') above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in Section 10.04, subsection B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

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

Located within the areas of special flood hazard established in Section 10.03. Are areas of the one hundred (100) year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Sections 10.04 and 10.05, subsection A. shall apply.

H. Standards for Unmapped Streams

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

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Section 10.04.

10.06 VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to Areas of Special Flood Hazard within the unincorporated areas of the Planning Region of Munford, Tennessee.

A. Board of Appeals

1. Creation and Appointment

A Board of Appeals is hereby established which shall consist of five (5) members appointed by the Mayor. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Appeals shall be terms of one, two, and three years respectively. Vacancies shall be filled for any unexpired term by the Mayor.

2. Procedure

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

3. Appeals: How Taken

An appeal to the Board of Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance.

Such appeal shall be taken by filing with the Board of 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 twenty five (\$25.00) 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 Appeals all papers constituting the record upon which the appeal action was taken. The Board of 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 seven (7) 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 Appeals shall have the following powers:

a. Administrative Review

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

b. Variance Procedures

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

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

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

B. Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- 4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

10.07

LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

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

B. Validity

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

C. Effective Date

This Ordinance shall become effective immediately after its passage, by the Board of Mayor and Aldermen of Munford, Tennessee, the public welfare demanding it.

CHAPTER XI

EXCEPTIONS AND MODIFICATIONS

11.01 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 Ordinance, 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 Ordinance in accordance with Section 13.03. Such a 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.

11.02 Front Yards

The front yard requirements of this Ordinance 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 feet (100') on each side of such lot and within the same block and zoning district and front on the same street as such lot, is less than the minimum required front yard shall be the average of the existing front yard depths on the developed lots; except that no residence shall have a front yard of less than ten feet (10') in depth.

11.03 Height Regulations

The height limitations contained in the district regulations do not apply to spires, antennas, water tanks, chimneys, or other appurtenances usually required above the roof level and not intended for human occupancy.

CHAPTER XII

ENFORCEMENT

12.01 Enforcing Officer

The provisions of this Ordinance shall be administered and enforced by a Building Inspector, appointed by Munford Board of Mayor and Aldermen, who shall have the power to make inspections of buildings and/or premises necessary to carry out the duties in the enforcement of this Ordinance.

12.02 Building Permits and Certificates of Occupancy

- A. **Zoning Compliance Permit Required** - It shall be unlawful to commence the excavation for the construction or placing of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.
- B. **Issuance of Building Permit** - In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, and location on the lot of all buildings already on the lot. The applicant shall also state the existing and intended use of such buildings and supply such other information as any required by the Building Inspector for determining whether the provisions of the Ordinances are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance and other Ordinance in the Munford Planning Region, Tipton County, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause. 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 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 Inspector receives written approval of the proposed provisions for water supply and wastewater disposal for the proposed use from the Tipton County Health Department.
- C. **Certificate of Occupancy** - No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within five (5) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part

thereof and the proposed use thereof are found to conform with the provisions of this Ordinance; or, if such certification is refused, to state such refusal in writing with the cause.

- D. Records** - A complete record of such application, sketches, and plans shall be maintained in the Office of the Building Inspector.

12.03 Fees

A building permit fee shall be charged for all building permits as established by the City of Munford Board of Mayor and Aldermen.

12.04 Penalties

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor. Each day such violation shall continue shall constitute a separate offense.

12.05 Remedies

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

CHAPTER XIII

BOARD OF ZONING APPEALS

13.01 Creation and Appointment

A Board of Zoning Appeals is hereby established in accordance with Section 13-7-304, **Tennessee Code Annotated**. The Board of Zoning Appeals shall consist of five (5) members. They shall be appointed by the Mayor and Board of Aldermen of the City of Munford with the majority of the membership being residents of the Munford Planning Region. The members shall be appointed for three (3) years and so arranged that the term of one (1) member shall expire each year.

13.02 Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and such other 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 taken thereon, which shall be a public record.

13.03 Appeals

How Taken - An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by an governmental officer, department, or bureau affected by an decision of the Building Inspector based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or another interested party, a fee of twenty-five (\$25.00) dollars for the cost of publishing a notice such hearings shall be paid by the appellant. The Building Inspector 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 fifteen 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.

13.04 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 Inspector or other administrative official in the carrying out or enforcement of any provisions of this Ordinance.
- B. Uses Permitted on Appeal**
 1. To hear and decide applications for uses permitted on appeal as specified in this Ordinance.

2. Prior to the establishment of any use permitted on appeal of the Board of Zoning Appeals, the applicant shall submit a site plan in accordance with Section 3.13 of this Ordinance showing the development concept for the tract to the Board of Zoning Appeals.
3. The Board of Zoning Appeals shall review and approve and/or disapprove the requested use within thirty (30) days of submission to the Board unless the applicant allows additional time for action. The granting of a use on appeal in no way is approving a submitted site plan. All site plans for any development must be approved by the Munford Planning Commission.

C. **Variances** - To hear and decide applications for variance from the terms of this Ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this Ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property the strict application of the provisions of this Ordinance 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 the intent and purpose of this Ordinance. 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 Ordinance. Before a variance is granted, it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out.
2. The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.
3. The variance will not authorize activities in a zoning district other than those permitted by this Ordinance.
4. Financial returns alone shall not be considered basis for granting a variance.
5. The alleged difficulty or hardships has not been created by any person having an interest in the property after the effective date of this Ordinance.

6. That granting the variance requested will not confer on this applicant any special privilege that is denied by this Ordinance to other lands, structures, or building in the same district.
7. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values with the area.
10. The variance is not based on the fact of nonconforming use of neighboring lands, structures or buildings in the same district.
11. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

D. Map Boundaries - To hear and decide appeals involving the interpretation of the location of district boundaries shown on the Official Zoning Map.

CHAPTER XIV
AMENDMENT

14.01 Zoning Amendment Petition

The Mayor and Board of Aldermen may amend the regulations, restrictions, boundaries or any provision of this Ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or a member of the Planning Commission or any other person may present a petition requesting an amendment or amendments to this Ordinance. In all cases where a petition is made by a property owner or other interested party, a fee as established by the Munford Municipal-Regional Planning Commission for the cost of publishing a notice of such hearings shall be paid by the petitioner.

14.02 Planning Commission Review

No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the Munford Municipal-Regional Planning Commission. If the Munford 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 Mayor and Board of Aldermen to become effective. If the Munford Municipal-Regional Planning Commission neither approves or disapproves such proposed amendment within thirty (30) days after such submission, the absence of action shall be considered as approval of the proposed amendment.

14.03 Effect of Denial of Application

Whenever an application for an amendment to the text of this Ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for six (6) months following such denial, except in the following cases:

- A. Upon introduction by the Board of Mayor and Aldermen or Planning Commission.
- B. When the new application, although involving any or a portion of the same property, is for a different zoning district than that for which the original application was made.
- C. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

14.04 Public Hearing on Proposed Amendment

Upon the introduction of an amendment to this Ordinance and upon the receipt of a petition to amend this Ordinance, the Mayor and Board of Aldermen shall publish a notice of such Ordinance request for an amendment together with the notice of time set for hearing by the Mayor and Board of Aldermen on the request change. Said notice shall be published in some newspaper of general circulation in Tipton County, Tennessee. Said hearing by the Mayor and Board of Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

CHAPTER XV

LEGAL STATUS PROVISIONS

15.01 Conflict with Other Ordinances

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

15.02 Validity

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

15.03 Effective Date

This Ordinance shall take effect and be in force immediately after its passage and publication, the public welfare demanding it.

Approved and Certified by the Planning Commission.

Attest:

Secretary of Planning Commission

Date of Public Hearing _____

Mayor

Attest:

City Recorder

Passed First Reading _____

Passed Second Reading _____

PETITION FOR CHANGE OR RELIEF UNDER THE MUNFORD REGIONAL ZONING ORDINANCE OR MAP

1. **Applicant** Name _____
Address _____

2. **Owner** Name _____
Address _____

3. **Nature of Petition** Rezoning _____ Use on Appeal _____ Variance _____
Ordinance Amendment _____ Ordinance Interpretation _____

3. **If requesting a Rezoning fill out the following section:**

- a. Street Address: _____
- b. Tax Map Number _____ Parcel Number _____ Area in Acres _____
- c. Vicinity Roads _____
- d. Present Zoning Classification _____
- e. Requested Zoning Classification _____
- f. Available Utilities Water (yes) (no), Sewer (yes) (no), Electric (yes) (no)
- g. Attach Map of affected property

4. **If requesting a Use on Appeal fill out the following section:**

- a. Property address affected _____
- b. Present Zoning _____
- c. Reason for request _____

- d. Attach Site Plan of existing or proposed structure for the use on appeal

5. **Any other request fill out the following section:**

- a. Present Zoning: _____
- b. Reason for request: _____

I hereby certify that the statements made herein by me and the maps other accompanying data submitted herewith are true and correct. I will be responsible for the cost of publishing and filing this application.

Signature of Applicant

SITE PLAN CERTIFICATES

CERTIFICATE OF ACCURACY OF ENGINEERING AND DESIGN

I, _____ (printed name of signer) _____, a professional Architect or Engineer do hereby certify that the plans, engineering and designs governing the construction this site plan are true and correct, and conform to the requirements set forth in the Regional Zoning Ordinance of the Town of Munford, Tennessee.

_____, 20 _____
Date

Signature

PLANNING COMMISSION CERTIFICATE

I, _____ (printed name of signer) _____ do hereby certify that the Munford Municipal / Regional Planning Commission has approved this site plan.

_____, 20 _____
(Date)

Secretary, Munford Municipal / Regional
Planning Commission

BOARD OF ZONING APPEALS CERTIFICATE

I, _____ (printed name of signer) _____ do hereby certify that the Munford Regional Board of Zoning Appeals has approved this site plan.

_____, 20 _____
(Date)

Chairman, Munford Regional Board of Zoning Appeals

AMENDMENTS ADDED TO THE DOCUMENT

1. ORDINANCE TO ALLOW WAREHOUSING AND STORAGE AS A USE IN THE C, COMMERCIAL DISTRICT. Added 1/2/98

