

**ZONING ORDINANCE
OF
NEW JOHNSONVILLE, TENNESSEE
AND
ITS PLANNING REGION**

DECEMBER 6, 1999

LAST AMENDED: JANUARY 4, 2010

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
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AMENDMENTS

<u>DATE</u>	<u>ORDINANCE</u>	<u>AMENDMENT</u>
May 1, 2000	2000-03	Amended Chapter 2, Section 11-202, Definitions; Added: Adult Oriented Business, Adult Bookstore, Specified Anatomical Areas, Specified Sexual Activity, and Massage Parlor Amended Chapter 5, Section 11-507.01, I1, Light Industrial District, Subpart D, Uses Permitted as Special Exceptions; Added: Adult Oriented Business Amended Chapter 7, Section 11-708, Procedure for Authorizing Special Exceptions; Added New Subpart: M., Specific Standards for Adult Oriented Businesses, (1), (2), (3), and (4)
January 3, 2005	2004-11	Amended Chapter 3, Section 11-310, in its entirety.
January 3, 2005	2004-12	Amended Chapter 3, Section 11-302, in its entirety.
December 5, 2005	2005-26	Amended Chapter 3, Section 11-310, in its entirety.
October 1, 2007	2007-17	Amended Section 11-505.3, R-3, Minimum Yard Requirements, deleted in its entirety and replaced with the new section.
July 6, 2009	2009-09	Amended Chapter 5, Section 11-508, Floodplain Regulations, by deleting and replacing with new text.
January 4, 2010	2009-21	Amended Chapter 5, Section 11-505.1, Uses Permitted, deleted and replaced Subpart B, Uses Permitted, with new text.

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CHAPTER 1
ENACTMENT

SECTION

- 11-101 Authority
- 11-102 Title
- 11-103 Purpose
- 11.104 Enactment
- 11-105 Repeal

11-101 Authority

An ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-210 and 13-7-301 through 13-7-306, Tennessee Code Annotated, to provide for the establishment of districts within the City and Planning Region of New Johnsonville, Tennessee: to regulate within such districts, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities and similar purposes to include special districts for areas subject to flooding and areas developed as a planned development; to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this ordinance and for the official, whose duty it shall be to enforce the provisions thereof; and to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations.

11-102 Title

This ordinance shall be known as The Zoning Ordinance of New Johnsonville, Tennessee. The zoning map shall be referred to as the Official Zoning Map of New Johnsonville, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

11-103 Purpose

The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas.
- B. Preventing overcrowding of land.
- C. Conserving the value of land and buildings.
- D. Minimizing traffic hazards and congestions.
- E. Preventing undue concentration of population.
- F. Providing for adequate light, air, privacy, and sanitation.

- G. Reducing hazards from fire, flood, and other dangers.
- H. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services.
- I. Encouraging the most appropriate uses of land.
- J. Enhancing the natural, man-made and historical amenities of New Johnsonville, Tennessee.

11-104 Enactment

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

11-105 Repeal

The existing Zoning Ordinance of New Johnsonville, Tennessee, September 10, 1973, as amended, is hereby repealed. The adoption of this ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this ordinance.

CHAPTER 2
DEFINITIONS

SECTION

- 11-201 Scope
- 11-202 Definitions
- 11-203 Use Classification System

11-201 Scope

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel".

11-202 Definitions

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this zoning ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

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

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

ADULT ORIENTED BUSINESS: A commercial enterprise that involves creation, reproduction and/or sale for a fee or incidental to another service of goods and services that are characterized by emphasis upon the exposure of "specified anatomical areas" and/or the description or depiction of "specified sexual activities" including massage parlors and adult bookstores as defined by this ordinance. **(Added by Ordinance No. 2000-03, Dated May 1, 2000)**

ADULT BOOKSTORE: Means a business which offers, as its principal or predominate stock or trade, sexually oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults. (Added by Ordinance No. 2000-03, Dated May 1, 2000)

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See SIGN.

AGRICULTURE USE: The use of a tract of land five (5) acres or more in size including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture viticulture, floriculture, forests, and wood, provided, however, all health codes of the county are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use nor shall the commercial feed lots, the raising of furbearing animals, fish or minnow hatcheries.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

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

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

ATTACHED: An enclosure having continuing walls, roof and floor.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof. Any lot or place of business which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BOARD: The New Johnsonville, Tennessee Municipal or Regional Board of Zoning Appeals.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BULK: Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CITY COUNCIL: The New Johnsonville City Council.

CLINIC: See **MEDICAL FACILITY**.

CONDITIONAL USE (SPECIAL EXCEPTION): A special exception is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses

may be permitted in such zoning district as conditional uses, when specific provisions for such use is made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-109 and 13-7-207, Tennessee Code Annotated.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats but excludes other apparel, cleaning and repair services.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, club house, pool, dining facilities, lounge.

COVERAGE: The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

DAY CARE HOME OR CENTER: Any place, home or institution, which receives unrelated young children or the elderly for general care, exercise, play or observation. Elder care shall only be restricted by zoning district requirements and State of Tennessee requirements.

DEVELOPMENT: Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.

Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

Multi-family apartment or dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provider cooking and dining facilities.

Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

Town house means a residential structure containing three (3) or more nondetached dwelling units separated by a common vertical wall.

Condominium means an apartment building or townhouse containing three (3) or more dwelling units separated by a common vertical or horizontal wall.

Mobile home dwellings means a detached one-family dwelling with all the following characteristics:

- (1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (2) Constructed as a single self-contained unit and mounted on a single or combined chassis transportable after fabrication on its own wheels or detachable wheels.
- (3) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flatbed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (expecting as set forth below) shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24, of Title 13, Tennessee Code Annotated.)

FLOOR AREA: The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of the building or portions thereof without walls, but excluding in the case of nonresidential facilities; arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

HEALTH DEPARTMENT: The County Department of Environment and Conservation.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: See Section 11-404.

HOSPITAL: See **MEDICAL FACILITIES.**

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running conditions for the sale of parts, thereof.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

LANDHOLDER: The legal or beneficial owner or owners of all the land proposed to be included in a planned development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this ordinance.

LOADING SPACE: An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of records, occupied or to be occupied by one or more principal building and accessory buildings, including the open spaces required under this ordinance.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this ordinance.

LOT WIDTH: Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirements shall not apply.

MARINA: A facility for the docking and servicing of boats.

MASSAGE PARLOR: Means an establishment or place primarily in the business of providing massage or tanning services, where one or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areolae, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material. **(Added by Ordinance No. 2000-03, Dated May 1, 2000)**

MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

OWNER: Includes his duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PLANNING COMMISSION: The New Johnsonville Municipal-Regional Planning Commission.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with two meeting any yard requirement.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department Environment and Conservation.

SHOPPING CENTER: A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its' trade area.

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

Business Sign: A sign which directs attention to the business or profession conducted on the premises.

Billboards: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

Flashing Sign: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

Ground Sign: A sign supported by a pole, uprights, or braces on the ground.

Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Indirect Illumination Sign: Any illuminated nonflashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residence or streets.

Off-Premises Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

Pole Sign or Banjo Sign: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

Wall or Flat Sign: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

Roof Sign: A detached sign supported upon the roof or wall of a building.

Marquee Sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

Temporary Sign: Temporary signs shall include any sign banner, pennant, valance, 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 of construction or purpose the sign is intended to be displayed for a short period of time only.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

SPECIFIED ANATOMICAL AREAS: Means any of the following: **(Added by Ordinance No. 2000-03, Dated May 1, 2000)**

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

SPECIFIED SEXUAL ACTIVITY: Means any of the following: (Added by Ordinance No. 2000-03, Dated May 1, 2000)

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- D. Flagellation or torture in the context of a sexual relationship;
- E. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- F. Erotic touching, fondling or other such contact with an animal by a human being;
- G. Human excretion, urination, menstruation, vaginal or an irrigation as part of or in connection with any activities set forth in "A" through "F" above.

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 between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than one-half (1/2) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

USE: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

YARD FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ZONING ADMINISTRATOR: The Zoning Codes Officer or his authorized representative appointed by the New Johnsonville City Council.

11-203 Use Classification System

The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the Board of Zoning Appeals shall make the determination based upon the characteristics of the unlisted use.

A. Listing of Activity Classifications

All activities are hereby classified into the following activity types:

1. Residential Activities

a. Permanent

Dwelling, Single Detached
Dwelling, Duplex
Dwelling, Mobile Home
Dwelling, Multi-Family
Mobile Home Park

b. Semi-Permanent

Boarding House
Rooming House

2. Community Facility Activities

Administrative
Community Assembly
Community Education
Cultural and Recreation Services
Essential Service
Extensive Impact
Health Care
Intermediate Impact
Personal and Group Care Facilities
Religious Facilities

3. Commercial Activities

Animal Care and Veterinarian Services
Automotive Parking
Automotive Service and Repair

Building Materials and Farm Equipment
Consumer Repair Services
Construction Sales and Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting, and Administrative
Food and Beverage Service
Food Service - Drive-In
General Business and Communication Services
General Personal Service
General Retail Trade
Group Assembly
Medical and Professional Services
Transient Habitation
Transport and Warehousing
Undertaking Services
Vehicular, Craft, and Related Equipment Sales,
Retail and Delivery
Wholesale Sales

4. Manufacturing Activities

Limited
Intermediate
Extensive

5. Agricultural, Resources Production, and Extractive Activities

Agricultural Services
Crop, Animal and Poultry Raising
Mining and Quarrying
Plant and Forest Nurseries
Commercial Feed Lots and Stockyards

B. Accessory Uses

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this zoning ordinance.

C. Residential Activities

1. Permanent Residential

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as

provided by general law of the state. The following dwelling types as defined by this ordinance are permanent residential activities; however, only those dwelling types as indicated by individual district regulations may be permitted therein.

Dwelling, Single Detached
Dwelling, Duplex
Dwelling, Mobile Home
Dwelling, Multi-Family (apartment, townhouse)
Mobile Home Park

2. Semi-Permanent Residential

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit types as defined by this ordinance are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

Boarding House
Rooming House

D. Community Facility Activities

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices
Civil Defense Facilities
Court Buildings
Fire Department Facilities
Police Department Facilities
Post Offices

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls, and
Recreation Centers
Temporary Nonprofit Festivals

3. Community Education

The activities typically performed by the following institutions:

Public and Private Nursery Schools
Kindergarten, Primary and Secondary Schools

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art Galleries
Libraries
Museums
Parks, Playgrounds, and Playfields
Planetariums and Aquariums
Recreational Centers and Gymnasiums
Swimming Pools and Beaches
Zoological and Botanical Gardens

5. Essential Services

Includes the maintenance and operations of the following installations:

Electrical and Gas Substations
Electrical, Gas, Water, and Sewer Distribution and
Collection Lines
Public Transport, Utility and Communication Towers
Pumping Facilities for Water and Sewer Systems
Rights-of-Way for Transportation Modes
Telephone Switching Facilities

6. Extensive Impact Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

Airports, Air Cargo Terminals, Heliports, or
Other Aeronautical Devices
Correction and Detention Institutions
Electricity Generating Facilities and
Transmission Lines
Garbage Incineration Plants, Including
Cogeneration Facilities; Sanitary Landfills
Major Fuel Transmission Lines and Facilities
Major Mail Processing Centers
Military Installations

Public and Private Utility Corporations and
Truck Yards, Including Storage Yards
Railroad Yards and Other Transportation
Equipment Marshalling and Storage Yards

7. Health Care Facilities

Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals:

Centers for Observation or Rehabilitation
Convalescent Homes
Hospitals
Medical Clinics

8. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of the following institutions or installations.

Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities,
but Excluding Profit-Making Business Schools
Commercial Boat Docks, Marinas, and Yacht Clubs
Golf Courses
Water Storage Facilities, Water and
Sewage Treatment Plants
Radio and TV Transmission Facilities
Country Clubs

9. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Associations for Physically or Mentally
Handicapped Persons
Day Care Centers
Group Homes for Physically or Mentally
Handicapped Persons
Nursing Homes
Retirement or Rest Homes
Orphanages

10. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community service functions but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. The activities include:

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

E. Commercial Activities

1. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

Veterinarian Clinics and Kennels

2. Automotive Parking

Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

Auto Parking Lots

Parking Garages

3. Automotive Services and Repair

Includes the sale, from the premises, of good and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

Auto Cleaning and Repair Services

Auto Glass Repair and Replacement Shops

Auto Inspection and Diagnostic Services

Auto Paint Shops

Auto Towing Services

Car Washes

Gasoline, Fuel, and Oil Sales and Service

Radiator and Muffler Shops

Tire Retreading and Repair Shops

Wheel Alignment and Transmission Repair Shops

4. Building Materials and Farm Equipment

Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

Farm Equipment and Supplies

Feed Milling and Sales

Heating, Plumbing, and Electrical Supplies

Lumber and other Building Material Dealers
Retail Nurseries, Lawn and Garden Supply Stores
Seed Storage and Sales

5. Consumer Repair Services

Include the servicing and repair of appliance, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

Blacksmith Shops
Electrical Repair Shops
Gunsmith Shops
Instrument Repair Shops
Locksmith Shops
Office Equipment Cleaning and Repair
Reupholstery and Furniture Repair
Saddlery Repair Shops
Watch, Clock, and Jewelry Repair
Lawn Mower Repair Shop

6. Construction Sales and Services

Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

Builder's Hardware
Carpentering Contractors
Concrete Contractors
Excavation Contractors
General Building Contractors
Glazing Contractors
Highway and Street Construction Contractors
Masonry, Stonework, Tile Setting, and
Plastering Contractors
Painting, Paper Hanging, and Decorating Services
Plumbing, Heating, and Electrical Contractors
Roofing and Sheet Metal Contractors

7. Convenience Commercial

Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed five thousand (5,000) square feet of gross floor area.

Barber Shops
Beauty Shops
Drug Stores
Fruit and Vegetable Markets
Grocery Stores
Hardware Store (no outside storage)

Laundry and Dry Cleaning Pick-up Stations
Liquor Stores
News Stands
Self-Service Gasoline Pumps
Tobacco Shops

8. Entertainment and Amusement Services

Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, to assembled groups of spectators or participants.

Art Galleries (Commercial)
Batting and Golf Driving Ranges
Bowling Alleys and Billiard Parlors
Coin Operated Amusement Arcades
Dance Halls and Studios
Exhibition Halls and Auditoriums
Recording and TV Production Services
Skating Rinks
Theaters
Theatrical Producers, Bands, Orchestras, and
Entertainers

9. Financial, Consulting, and Administrative Services

Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These also include the executive, management, or administrative activities of private, profit oriented firms, but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance.

Agricultural Credit Institution
Banking and Bank-Related Functions
Credit Unions
Holding and Investment Organizations
Insurance Carriers, Agents, Brokers, and Service
Money Management and Investment Offices
Real Estate Brokers, Managers and Appraisers
Rediscount and Financing Institutions for Credit Agencies
Other Than Banks Savings and Loan Associations
Securities Commodities, Brokers, Dealers, and Exchanges
Title Offices

10. Food and Beverage Service

Include the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

Restaurants
Taverns

11. Food Service Drive-In

Includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot.

Drive-In Restaurants
Fast Food Restaurants with Drive-Thru Service

12. General Business and Communication Services

Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but include the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

Advertising Agencies and Services
Commercial Cleaning Services
Commercial Testing Laboratories
Communications Services:
 Radio and Television Broadcasting Studios
 Telegraph Offices and Message Centers
 Telephone Exchanges and Relay Towers
 Television and Recording Production Studios
Computer and Data Processing Services
Credit Reporting, Adjustment, and Collection Agencies
Detective Agencies and Protective Services
Drafting Services
Employment, Personnel, and Temporary Help Services
Exterminating Services
Interior Decorator and Consulting Services
Mailing, Reproduction, and Commercial Art Services
Management, Consulting, and Public Relations Services
Membership Organizations:
 Automobile Clubs
 Better Business Bureaus
 Chamber of Commerce
 Labor Unions
 Political Organizations
 Professional Associations
News Syndicates
Photofinishing Services
Research and Development Laboratories
Trading Stamp Services
Travel Agencies
Vehicular and Equipment Rental and Leasing Services

13. General Personal Service

Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel unless otherwise permitted herein.

Catering Services
Clothing Rental Agencies
Health Spas
Laundry, Cleaning, and Garment Services
Miscellaneous Personal Services
Photographic Studios
Shoe Repair and Hat Cleaning Shops
Special Training and Schooling Services:
 Art and Music Schools:
 Barber and Beauty Schools
 Business Schools
 Dancing Schools/Exercise Studios
 Driving Schools

14. General Retail Trade

Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services but excluding goods and services listed in the other classifications herein.

Antique and Second Hand Merchandise Stores
Automotive Parts (no exterior storage)
Book and Stationery Stores
Camera Stores
Candy, nut and Confectionery Stores
Children's and Infant's Stores
Dairy Products Stores
Department Stores
Drapery, Curtain, and Upholstery Stores
Drug Stores and Proprietary Stores
Family Clothing Stores
Floor Covering Stores
Florists
Fruit Stores and Vegetable Markets
Furniture Stores
Furriers and Fur shops
Gift Shops
Grocery Stores
Hardware Stores
Hobby, Toy, and Game Stores
Household Appliance Stores
Jewelry Stores
Liquor Stores
Luggage Shops
Meat and Seafood Markets
Men's and Boy's Clothing and Furnishing Stores
Miscellaneous Apparel and Accessory Stores:
 Bathing Suit Stores
 Custom Tailors
 Sports Apparel Stores
 Uniform Stores

Miscellaneous General Merchandise Stores:

Direct Selling Organizations
Mail Order Houses

Miscellaneous Home Furnishings Stores:

Bedding and Linen Stores
Cookware Stores
Cutlery Stores
Glassware and China Shops
Lamp and Shade Shops
Paint and Wallpaper Stores

Music Stores

News Stands

Radio and Television Stores

Retail Bakeries

Sewing and Piece Goods Stores

Shoe Stores

Sporting Goods Stores

Tobacco Shops

Variety Stores

Women's Accessory and Specialty Stores

Women's Read-to-Wear Store

15. Group Assembly

Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (five hundred (500) or more) or that have a substantial potential impact upon adjoining property.

Amusement Parks

Commercial Camp Grounds

Commercial Resorts

Commercial Sports Arenas and Playing Fields

Drag Strips

Race Tracts (Auto, Motorcycle, Dog, and Horse)

16. Medical and Professional Services

Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals, the service of which is provided in an office environment.

Accounting, Auditing, and Bookkeeping Services

Artist Studios (Excluding Commercial Artists)

Attorneys and Law Offices

Chiropractor Offices

Consulting Scientists

Dental Offices and Laboratories

Educational and Scientific Research Services

Engineering and Architectural Services

Optometrists
Physicians' Offices and Clinics (Out Patient Services)
Physiologists and Psychotherapists
Songwriters and Music Arrangers
Urban Planning Services
Writers and Lecturers

17. Transient Habitation

Includes the provision of lodging services to transient guests, having at least seventy (70) percent of its accommodation available on a less-than-weekly basis, other than those classified as residential activities.

Hotels
Motels
Tourist Courts

18. Transport and Warehousing

Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

Bus and Truck Maintenance and Repair
Food Lockers
General Warehousing
Household Goods Storage
Packing and Creating Services
Railroad, Bus and Transient Terminals
Refrigerated Warehousing
Truck Terminals Freight Handling Services

19. Undertaking Services

Include the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Funeral and Crematory Services

20. Vehicular, Craft, and Related Equipment

Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

Boat and Motor Dealers
Mobile Home Dealers
Motor Vehicle Dealers
Motorcycle Dealers
Recreational Vehicle and
Utility Trailer Dealers

21. Wholesale Sales

Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

Apparel, Piece Goods, and Notions
Beer, Wine and Distilled Alcoholic Beverages
Chemicals and Allied Products
Drugs, Drug Proprieties, and Sundries
Electrical Goods and Appliances
Farm Products Raw Materials
Farm Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware, Plumbing, and Heating Equipment
and Supplies
Lumber and Other Construction Materials
Machinery, Equipment, and Supplies
Metals and Minerals
Motor Vehicles and Automotive Parts
and Supplies
Paper and Paper Products
Petroleum and Petroleum Products
Sporting, Recreational, Photographic, and
Hobby Goods
Tobacco and Tobacco Products
Toys and Supplies

F. Manufacturing Activities

Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

1. Limited Manufacturing Activities

Include the following operations:

- a. The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and Accessories
Art Objects
Bakery Goods
Beverages
Dairy Products
Instruments for Scientific, Medical,
Dental, Engineering, and Other
Professional Purposes
Optical Instruments and Lens
Printed Matter
Signs

- b. Activities and operations which include the following:

Book Binding
Data Processing Service
Photocopying
Photoengraving
Precision Machining of Dies, Jigs, and Fixtures
Printing
Publishing
Record Pressing
Upholstering
Welding

2. Intermediate Manufacturing Activities

Include the following:

- a. The manufacture, compounding, processing, assembling, packaging, treatment or fabrication of products, except for the following:

Cotton Seed Oil
Explosives
Fireworks
Organic Fertilizers

- b. Other activities and operations, except for the following:

Abrasive, Asbestos, and Nonmetallic
Mineral Processing
Arsenals
Asphaltic Cement Plants
Atomic Reactors
Automobile Wrecking Yards, Scrap and
Waste Materials
Cement and/or Concrete Plants
Chemical Manufacturing in Excess of
One (1) Ton per Day
Cotton Ginning
Fat Rendering
Foundries
Grain Milling
Junk Yards
Offal Processing
Ore Reduction
Paper Mills
Petroleum Refining
Pulp Manufacturing
Rolling and Finishing of Ferrous Materials
Slaughtering of Animals
Smelting and Refining of Metals and Alloys
Steel Works (other than those listed)
Tanning
Solid waste Landfills (generated on site only)

3. Extensive Manufacturing Activities

Include all intermediate manufacturing activities (described above) and the exceptions listed above, except as follows:

Arsenals
Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Hazardous Wastes Storage and/or Transfer
Radioactive Waste Handling
Solid Waste Landfills
Solid Waste Processing and Recycling
Waste Incinerators, Including Hospital and
Medical Waste
Biosolids - Handling and Distribution

The above exceptions are Special Impact Facilities and are permitted only as such in the appropriated district.

G. Agricultural, Resources Production, and Extractive Activities

1. Agricultural Services

Include Various activities designed to provide needed services for agricultural uses and are appropriately located in close proximity thereto.

Crop Drying, Storage, and Processing
Crop Planting, Cultivating, and Protection Services
Horticultural Services
Soil Preparation Services
Riding Stables
Livery Stables

2. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

3. Crop and Animal Raising

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

Dairies
Farms
Raising of Plants, Animals, and Fish
Truck Gardens

4. Mining, Drilling and Quarrying

Includes drilling operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other nonmetallic minerals.

Chemical Fertilizer and Nonmetallic Mineral Mining
Clay, Ceramic, and Refractory Minerals
Coal Mining
Crude Petroleum and Natural Gas Production
Metal Ore and Mineral Mining
Sand and Gravel Quarrying
Stone Quarrying

5. Plant and Forest Nurseries

Includes the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

Forest Nursery
Plant Nursery

CHAPTER 3

GENERAL PROVISIONS

SECTION

- 11-301 Scope
- 11-302 Only One (1) Principal Structure on Any Residential Lot
- 11-303 Lot Must Abut a Public Street
- 11-304 Reduction in Lot Area Prohibited
- 11-305 Rear Yard Abutting a Public Street
- 11-306 Corner Lots
- 11-307 Future Street Line
- 11-308 Obstruction to Vision at Street Intersection Prohibited
- 11-309 Access Control
- 11-310 Accessory Use Regulations
- 11-311 Buffer Strips

11-301 Scope

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.

11-302 Only One (1) Principal Building on Any Residential Lot (Deleted and Replaced by Ordinance 2004-12, January 3, 2005)

- A. Only one (1) principle building and its customary accessory buildings may hereafter be erected on a residential lot. This section should not be construed to prohibit multi-family dwellings or mobile home parks where they are legally allowed.
- B. On lots in a residential district which exceed five (5) acres up to one (1) additional dwelling unit may be located and on lots in a residential district which exceed (10) acres up to two (2) additional dwelling units may be located, for relatives of the property owner thereof, or for persons employed full-time thereon and their families. The site of each dwelling unit shall meet all minimum lot and yard requirements of the district such that the site can be subdivided from the remaining acreage if necessary.

11-303 Lot Must Abut a Public Street

No building shall be erected on a lot which does not abut at least one (1) publicly maintained street for at least fifty (50) feet. This section shall not apply to residential properties in a residential district abutting a cul-de-sac, which shall abut a public street at least forty (40) feet.

11-304 Reduction in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure.

11-305 Rear Yard Abutting a Public Street

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

11-306 Corner Lots

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

11-307 Future Street Line

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official New Johnsonville Major Thoroughfare Plan.

11-308 Obstruction to Vision at Street Intersection Prohibited

In all districts, on a corner lot within the area formed by the center lines of intersecting street and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line, thereof. This section shall not be deemed to prohibit any necessary retaining walls.

11-309 Access Control

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet, but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective street frontage.

All points of access shall be so constructed as to provide for proper drainage.

- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty (20) feet of the curb line (or road line when there is no curb) of a public intersection.
- D. No curbs on city streets or rights-of-way shall be cut or altered without approval of the New Johnsonville City Street Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

11-310 Accessory Use Regulations (Amended by Ordinance 2005-26, December 5, 2005)

The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principle uses. In addition to such principle uses, accessory uses which are customarily incidental to the permitted principle uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principle use established on the same lot.
- B. Be subordinate to and serve such principle use.
- C. Be subordinate in area, intent, and purpose to such principle use.
- D. Contribute to the comfort, convenience, or necessity of users of such principle use.
- E. Total accessory use in residential areas shall be limited to covering no more than seventy-five (75) percent the size of the finished living area of the principle use on any lot. If freestanding, it shall be located in the rear yard in relation to the principle structure on any zone lot.

11-311 Buffer Strips

Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer of said use shall provide a landscaped buffer strip of no less than twenty-five (25) feet in width at the point of abutment.

Furthermore, there shall be installed around the rear of all drive-in restaurants, a four (4) foot fence designed to catch all litter or trash generated on the site, unless specific conditions deem otherwise as determined in a hearing by the Board of Zoning Appeals.

The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair.

CHAPTER 4

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 11-401 Off-Street Parking Requirements
- 11-402 Off-Street Loading Requirements
- 11-403 Temporary Use Regulations
- 11-404 Home Occupations
- 11-405 Gasoline Service Station Restrictions
- 11-406 Swimming Pool Restrictions
- 11-407 Development Standards for Multi-Family Dwellings
- 11-408 Standards for Signs, Billboards, and Other Advertising Structures
- 11-409 Development Standards for Mobile Home Parks
- 11-410 Alternative Provisions for Lot Size and the Location of Open Space
- 11-411 Development Standards for Automobile Wrecking, Junk & Salvage Yards
- 11-412 Development Standards for Cemeteries
- 11-413 Development Standards for Public Transport, Utility & Communication Towers

11-401 Off-Street Parking Requirements

In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Planning Commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (nine feet by eighteen feet (9'x18')) and such space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and uses they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

A. Residential Activities

1. Permanent

a. Single-Family Dwellings; Two-Family Dwellings, Mobile Homes

Two (2) per each dwelling unit.

b. Multi-Family Dwelling (3 or more); Townhouses; Condominiums

Two (2) spaces per each dwelling unit.

c. Elderly Housing, (Persons over the Age of Sixty (60))

One and one-half (1 1/2) spaces per unit.

2. Semi-Permanent

a. Boarding or Rooming House

One and one-half (1 1/2) spaces for each dwelling or rooming unit.

B. Community Facility Activities

1. Cultural and Recreational Services

Accessory off-street parking shall be provided for the specific number of square feet of gross area or seating capacity or other specified unit of measurement (or fraction or one-half (1/2) or more thereof) for the type following specified uses within the activity types indicated.

a. Art Galleries, Museums, Libraries

One (1) space for each eight hundred (800) square feet of gross floor area.

b. Swimming Pools

One (1) space per four (4) persons, based on design capacity of pool.

c. Parks, Playgrounds and Athletic Fields

Ten (10) spaces for every acre of land devoted to field, plus one (1) space for every four (4) spectator seats.

d. Recreation Centers and Gymnasiums (Public/Nonprofit)

Fifty (50) percent of the capacity in persons.

2. Essential Public Transport, Communication, and Utility Services
 - a. Electric and Gas Substations

One (1) space for each employee on major shift, plus one (1) per company vehicle.
3. Administrative Services; Government Office

One (1) space for each three hundred (300) square feet of gross floor area.
4. Community Assembly

One (1) space for every three (3) persons of rated capacity of the facility.
5. Education Facilities; Public and Private Schools
 - a. Kindergarten and Nursery

One (1) space for each employee.
 - b. Elementary and Middle Schools, Grade 1-9

One (1) space for each teacher and staff member, plus one (1) space per two (2) classrooms.
 - c. High School, Grades 9-12

One (1) space for each teacher and staff member, plus one (1) space for every three (3) students, based on design capacity.
 - d. Vocational or Trade Schools

One (1) space for each student plus one (1) space for each employee.
6. Extensive Impact Facilities
 - a. Airports, Heliports, or Other Aeronautical Devices

One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area in areas open to public.
 - b. Detention or Correctional Institutions

One (1) space for each staff member and facility vehicle, plus one (1) space per twenty-five (25) inmates.
 - c. Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities

One (1) space for each employee.

- d. Railroad, Bus, and Transit Terminals for Passengers
One (1) space for each two hundred (200) square feet of waiting room.
- e. Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards
One (1) space for each employee.
- f. Water and Sewage Treatment Plants
One (1) space for every employee.

7. Health Care Facilities

- a. Hospitals
One (1) spaces for two (2) bed, plus one and one-half (1 1/2) spaces for each emergency room examination table or bed, plus one (1) per employee on major shift other than doctors, plus one (1) space for each doctor on staff.
- b. Medical or Dental Clinics
Three (3) spaces for each staff member or doctor or dentist.

8. Special Personal and Group Care Facilities

- a. Day Care Centers and Family Day Care Homes
One (1) space for each staff member, plus one (1) space for every eight (8) pupils.
- b. Family and Group Care Facilities
Two (2) spaces for every employee.
- c. Nursing Homes or Convalescent Homes
One (1) space for each staff member, plus one (1) space for each three (3) patient beds.

9. Religious Facilities

All uses: One (1) space for each three (3) seats.

C. Commercial Activities

Uses Located on Freestanding Sites

One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250, in the column labeled GROSS FLOOR AREA, this means, one (1) parking space is required for every two hundred-fifty (250) square feet of gross floor area in the building, or rooms to be used for each activity.

<u>Activity Type</u>	<u>Gross Floor Area (Square Feet)</u>
1. <u>Nursery or Green House Retail Sales</u>	One (1) space per 1,000 square feet of sales area, plus one (1) space for each employee.
2. <u>Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental and Delivery</u>	One (1) space per 500 square feet of enclosed sales or rental floor area, plus one (1) space per 2,500 square feet of open sales or rental display area, plus two (2) spaces per service bay, plus one (1) space for each employee.
3. <u>Retail Sale of Building Materials, Farm Equipment and Hardware</u>	One (1) space per 400 square feet of enclosed sales area, plus one (1) space per 2,500 square feet of open sales display area, plus one (1) space for each employee.
4. <u>Food and Beverage Service</u>	One (1) space for every three (3) seats plus one (1) space for each employee on major shift.
5. <u>Food Service Drive-In (Fast Food)</u>	One (1) space for every two (2) seats, plus one (1) space for each employee on major shift.
6. <u>Retail Food Stores</u>	
a. <u>Convenience Store</u>	150
b. <u>Grocery Store</u>	200
7. <u>General Retail Store</u>	
a. <u>Up to 25,000 Square Feet</u>	200
b. <u>Over 25,000 Square Feet</u>	250
8. <u>Furniture Store and Home Furnishings</u>	200

9.	<u>Shopping Center</u>		
	100,000 Square Feet or Less		200
	Over 100,000		250
	<u>Service Activities</u>		
1.	<u>Animal Care and Veterinarian Services; Veterinary Hospital</u>		Three (3) spaces for every doctor, plus one (1) space for each employee.
2.	<u>Automobile Services and Repair</u>		One (1) space for each employee, plus two (2) spaces for each service bay.
3.	<u>Business Services</u>		
	(All Uses)		400 Plus one (1) space for each employee.
4.	<u>Contract Construction Office</u>		300 Plus one (1) for each company vehicle.
5.	<u>Equipment Repair Services</u>		300
6.	<u>Entertainment and Amusement</u>		
a.	<u>Art Galleries</u>		800
b.	<u>Bowling Alleys</u>		Five (5) spaces for each alley, plus one (1) for employee.
c.	<u>Billiard Parlor</u>		Two (2) spaces per table.
d.	<u>Coin Operated Arcades</u>		250
e.	<u>Commercial Recreation</u>		
	Dance Halls and Skating Rink		100
	Golf Courses, Driving Range, Putt-Putt Course		Six (6) spaces per hole, plus one (1) for each employee.
	Exhibitions Halls, Auditoriums, Amphitheaters		One (1) space for each three (3) seats, plus one (1) for each employee.
f.	<u>Motion Picture Theater</u>		One (1) space for each three (3) seats, plus one (1) for each employee.

- g. Recording, Television, and Radio Studios One (1) space for each employee.
 - h. Resorts and Group Camps One (1) space for every campsite, plus one (1) space for each employee.
 - i. Fairgrounds, Amusement Parks, Carnivals, Circuses One (1) space for every 200 square feet of enclosed building, plus one (1) space for every three (3) persons the facility is designed to accommodate.
8. Finance, Insurance and Real Estate Services
(All Uses) 200
Plus one (1) space per each employee.
9. Gasoline Service Station 500
Plus two (2) spaces for each service bay and one (1) for each employee.
10. Funeral, Mortuary, Undertaking Services
One (1) space for every four (4) seats, plus one (1) for each employee, plus one (1) space for every company vehicle.
11. Office Professional 300
12. Office, Medical, Dental
Three (3) spaces per treatment room, plus one (1) for every doctor, dentist or employee.
13. Transient Habitation
- a. Hotel, Motels, Tourist Homes or Courts One (1) space for each room to be rented, plus one (1) space for each employee.
 - b. Sporting and Recreational Vehicle Camps One (1) space for each travel vehicles or pad plus one (1) space per each employee.
- D. Industrial Activities
1. Manufacturing/Industrial
Five (5) spaces. plus one (1) for each employee on the shift of maximum employment.

2. Warehousing, Foods or Freight Transport, and Storage

One (1) space for each five thousand (5,000) square feet of gross floor area plus one (1) space for each ten thousand (10,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.

3. Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards

One (1) space for each one thousand (1,000) square feet of gross floor area.

E. Other

For buildings and land uses not referred to in the preceded activity classifications and specifically listed in the corresponding use classification listings cited within Section 11-203, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

11-401.1 Certification of Minimum Parking Requirements

Each application for a zoning permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this section are met.

11-401.2 Combination of Required Parking Spaces

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

11-401.3 Remote Parking Spaces

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

11-401.4 Extension of Parking Area into a Residential District

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

1. The parking area adjoins a commercial or industrial district.
2. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
3. The parking area is separated from abutting properties in the residential districts by a twenty-five (25) foot buffer strip.

11-401.5 Requirements for Design of Parking Lots

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
3. Entrances and exits for all off-street in such comply with the requirements of Section 11-409, of this ordinance.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
5. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.
6. All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. All parking spaces shall be clearly marked.
7. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.
8. All parking lots shall be in compliance with American Disabilities Act.

11-402 Off-Street Loading Requirements

Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area for Principal Building</u>	<u>Spaces Required (See Chapter 2, for Definition)</u>
0 to 9,999 square feet	One (1) space
10,000 to 14,999 square feet	Two (2) spaces
15,000 to 19,999 square feet	Three (3) spaces
Over 20,000 square feet	Four (4) spaces, plus one (1) space for each additional 20,000 square feet

Off-Street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 square feet	One (1) space
Over 40,000 square feet to 100,000 square feet	Two (2) spaces
Each additional 100,000 square feet or major fraction thereof	One (1) space

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

11-403 Temporary Use Regulations

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the Zoning Administrator. Said application shall contain a graphic description of the property to be utilized and a site plan, to determine yard requirements setbacks, sanitary facilities, and parking space for the proposed temporary use. The following use are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

A. Carnival or Circus

May obtain a Temporary Use Permit in the Commercial or Industrial Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

B. Limited Duration Goods and Seasonal Merchandise

May obtain a thirty (30) day Temporary Use Permit for the display and sale of limited duration goods and seasonal merchandise not sold throughout the year on open lots in any district.

C. Temporary Buildings

In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the New Johnsonville Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots, therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

E. Religious Tent Meeting

In any district, except the I2, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

F. Temporary Dwelling Units in Case of Medical Hardships

In any district, a Temporary Use Permit may be issued to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Humphreys County Health Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

G. Temporary Dwelling Unit in Cases of Other Special Services

In any residential district, a Temporary Use Permit may be issued to place a mobile home temporarily on a lot in which already contains a residential structure where the New Johnsonville Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Humphreys County Health Department approving the sewage disposal system of the temporary structure. Such a permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total time for all permits not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessory building.

I. Temporary Manufacture of Road Materials

In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the New Johnsonville Board of Zoning Appeals to operate manufacturing

plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.

11-404 Home Occupations

A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Only one (1) person other than members of the household shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. This section classifies all home occupations as "Minor Home Occupations" or "Major Home Occupations", all other uses that are not considered under one of these classifications is prohibited under these regulations.

A. Minor Home Occupations

A minor home occupation is a limited activity conducted on premises to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain special exception permits from the Board of Zoning Appeals.

B. Major Home Occupations

Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have their use approved by the Board of Appeals prior to engaging in the activity. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Board of Appeals would meet the criteria of a major home occupation.

11-405 Gasoline Service Station Restrictions

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
- C. Sign requirements as established in Chapter 4, Section 11-408, shall be met.

11-406 Swimming Pool Restrictions

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, including aprons, walks, shall protrude into any required front yard in any residential districts.
- B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.
- C. Private swimming pools are permitted in residential and commercial districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

11-407 Development Standards for Multi-Family Dwellings

The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan required for all such developments by Section 11-703, B, 2.

11-407.1 Development Standards

1. General Standards

It is the intent that multi-family dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing;
- b. Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and
- c. Shall constitute groupings making efficient economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

2. Detailed Standards

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of thirty (30) feet shall be maintained between buildings.
- b. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
- g. Well equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h. All public and private streets located within any multi-family development shall meet the construction specifications set forth in the New Johnsonville Subdivision Regulations.
- i. The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.
- j. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view.

11-407.2 Access and Parking Requirements

1. Access

- a. Each site developed for multi-family dwellings shall meet the requirements for access set forth in Sections 11-303 and 11-309, of this ordinance.
- b. Access and circulation shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection.

2. Parking

- a. Parking spaces shall be provided in accordance with Section 11-401, of this ordinance.
- b. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum

walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

11-407.3 Open Space Requirements

Any common open space established within a multi-family dwelling development shall be subject to the following:

1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.
- c. Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Maintenance of Open Space

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall be included but not limited to the following:

- a. The maintenance organization must be established and operational before any unit is sold.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.

- e. Home owners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

3. Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been place on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

11-408 Standards for Signs, Billboards, and Other Advertising Structures

11-408.1 Intent and Objectives

1. Statement of Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- a. protect the right to the use of signs for the identification of activities and any related products, services and events and for non-commercial messages;
- b. assure proper exposure of signs to their intended viewers;
- c. protect the right of individuals to privacy and freedom from nuisances;
- d. protect the value of property and improvements thereon;
- e. permit signs that are constructed and maintained in a safe condition;
- f. assure that signs are constructed and maintained in a safe condition;
- g. encourage design that enhances the readability and effectiveness of signs;

- h. prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- i. reduce traffic hazards;
- j. eliminate obsolete signs;
- k. provide an efficient and effective means of administration and enforcement.

2. Scope

Except for signs that are prohibited in all districts in Subsection 11-408.4, 4, herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of these regulations.

11-408.2 Supplementary Definitions

The following definitions are to be used for interpreting the provisions of this chapter only. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in Chapter 2, of this ordinance.

Awning: Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning Sign: A sign placed directly on the surface of an awning.

Banner: A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

Billboard: See off-premise sign.

Bulletin Board Sign: A particular type of changeable copy sign that displays copy in a casement made of glass or pexiglas.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy Sign: A sign attached to a canopy.

Copy: The characters, letters, or illustrations displayed on a sign face.

Frontage, Building: The length of a building that faces a street, parking area, or private drive.

Illegal Sign: A sign that was constructed in violation of regulations that existed at the time it was built.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee Sign: A sign attached to and made part of a marquee or any other similar projection from a building.

Nonconforming Sign: A sign that met all legal requirements when constructed, but that is not in compliance with these regulations. An illegal sign is not a nonconforming sign.

Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (b) Is used to announce, direct attention to, or advertise; and
- (c) Is visible from outside a building.

Sign, Abandoned: Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

Sign, Accessory: Any sign that directs attention to a person, activity, or commodity on the same zone lot.

Sign, Advertising: A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than fifteen (15) square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign provided the establishment offering the product is not associated with the brand or trade name of the product being advertised.

Sign, Animated: A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

Sign, Banner: A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

Sign, Building Mounted: Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

Sign, Changeable Copy: A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

Sign, Civic: A type of accessory sign that identifies or provides related information about community facility activity types.

Sign, Development: A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

Sign, Direct Illumination: All illuminated signs not included in the definition of "Sign", Luminous Background" or "Sign", Indirect Illumination."

Sign, Directional: Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size nor thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

Sign, Directory: A sign which lists the names of individuals, businesses, or products available at a single site.

Sign, Expressive: Any sign that express an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, and expressive sign may be an incidental, temporary, or permanent advertising sign.

Sign, Freestanding: Any sign that is not attached to or supported by any building or other structure that has a purpose other than solely to support the sign and any sign attached to any upright pole or supports when such sign is wider than said pole or support.

Sign, Handtacked: A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

Sign, Incidental: An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than three (3) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger", "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs smaller than three (3) square feet.

Sign, Indirect Illumination: Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

Sign, Large Residential: A type of accessory sign larger than three (3) square feet that indicates the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned development that contains more than twelve (12) dwelling units.

Sign, Luminous Background: A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

Sign, Monument: A freestanding sign with a base affixed to the ground which measures at least two-thirds (2/3) the horizontal length of the sign.

Sign, Permanent: Any permitted sign which is not restricted as to the duration of time it can be displayed.

Sign, Portable: Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

Sign, Projecting: Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

Sign, Realty: A type of incidental sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon which is no larger than nine (9) square feet.

Sign, Structure: A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

Sign, Wall: A type of building mounted sign (a) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (b) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (c) in which the sign face is parallel to the plane of the surface to which it is attached.

11-408.3 Exempt Signs and Temporary Signs

1. Exempt Signs

The following are exempt from the provisions of this chapter or from the requirement to obtain a sign permit.

- a. **Address and Name of Resident:** Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- b. **Artwork:** Works of art that do not include any commercial messages or references.
- c. **Construction Signs:** Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- d. **Decals:** Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.

- e. **Directional Signs:** Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five (5) feet to any property line. Directional signs may be internally lit or illuminated by white light only.
- f. **Flags, Emblems, Insignia, and Banners:** Of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, insignia, and banners shall be limited to one (1) per zoning lot and shall not exceed forty (40) square feet in area.
- g. **Handicapped Parking Space Signs:** Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- h. **Home Occupation Signs:** On-premise identification signs for home occupations shall not exceed two (2) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.
- i. **Public Signs:** Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the Board of Mayor and Aldermen or under the direction of the Board.
- k. **Seasonal Signs:** Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
- l. **Security and Warning Signs:** On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.
- m. **Temporary Political Signs:** On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs shall not exceed sixteen (16) square feet and are permitted in addition to any other signs permitted by this ordinance. These signs shall be removed within seven (7) days after the election or political event.
- n. **Temporary Real Estate Signs:** Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one (1) per property not exceeding six (6) feet in height and not exceeding four (4) square feet in area in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.

2. Temporary Signs Requiring Approval

The following signs may be erected only after approval from the enforcing officer. Any temporary sign not removed by the expiration of the appropriate time limit noted in this section, the Administrator may remove it and charge the costs of removal to the individual or enterprise responsible.

- a. **Special Event Signs:** Signs announcing special events including, but not limited to grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two (2) temporary signs including portable signs, twice during the calendar year for a period not to exceed thirty (30) days. Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public, and shall be removed immediately following the event.
- b. **Temporary Farm Products Signs:** Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.
- c. **Construction Signs:** Temporary signs announcing new buildings, or projects, erected after the commencement of construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding twenty (20) square feet in area and eight (8) feet on height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.
- d. **Auction Signs:** Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5) signs per event and shall not exceed sixteen (16) square feet, except on the auction site itself and this sign shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.

11-408.4 General Provisions

1. General Standards

- a. No sign except for those specified in Subsection 11-408.3, 1, shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.
- b. No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- c. No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- d. On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten (10)

feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

- e. No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.
- f. No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- g. No sign shall obstruct any doorway, window, or fire escape.
- h. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
- i. All pole and monument signs shall be limited to no more than eight (8) items of information.

2. Surface Area Display Standards

- a. The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.
- b. On signs in which the copy together with the back-ground are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
- c. On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.
- d. When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.
- e. In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.
- f. On a corner lot, a permitted sign may be located along each street frontage.

3. Height of Signs

The following general rules shall apply in the determination of the height of signs.

- a. The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.
- b. The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

4. Signs Prohibited in All Districts

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

- a. Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this ordinance;
- b. Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;
- c. Signs which are made structurally sound by guy wires or unsightly bracing;
- d. Signs which contain any kind of strobe or pulsating lights;
- e. Animated signs;
- f. Banner signs, except as permitted in Subsection 11-408.3;
- g. Any sign with direct illumination provided by exposed bulbs or lamps;
- h. Off-premise signs, except as permitted in Subsection 11-408;
- i. Flashing signs;
- j. Handtacked signs, on utility poles, fence posts and trees;
- k. Portable signs, except as permitted in Subsection 11-408.3;
- l. Roof signs.

11-408.5 Signs Permitted in Residential Districts

Within the residential districts, the following signs are permitted subject to the provisions as set forth herein.

1. Community Facility Activities

- a. A community facility activity may have one (1) civic sign constructed as a monument sign or a wall sign.
- b. A monument sign shall not exceed four (4) feet in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- c. A wall sign shall not exceed fifty (50) square feet in size.
- d. Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.
- e. Civic signs shall be set back from the street right-of-way and property lines, a minimum of eight (8) feet.

2. Development Signs

- a. A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the planning commission, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be either a pole or ground sign.
- b. A development sign shall not exceed three hundred (300) square feet in size nor fifteen (15) feet in height.
- c. A development sign shall not be lighted.
- d. Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

3. Large Residential Signs

- a. Subdivision identification signs may be permitted at the main entrances to a subdivision.
- b. Each subdivision is allowed a maximum of two (2) identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.
- c. All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
- d. A subdivision identification sign shall not exceed twenty-five (25) square feet in size.

- e. The maximum height of such signs shall be four (4) feet when constructed as a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- f. All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.
- g. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

11-408.6 Permitted Signs in Commercial and Industrial Districts

Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

1. Commercial District Signs

Within Commercial Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted and shall be either wall or projecting signs, except as set forth in Subsections d, e, and f, below. All other sign types are prohibited.
- b. A use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
 - (1) Such sign shall not exceed eighty (80) square feet in display surface area
 - (2) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.
 - (3) Such sign shall clear the established grade by a minimum of ten (10) feet.
 - (4) Such sign shall be no closer than twenty-five (25) feet to any other projecting sign.
 - (5) The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
- c. Wall signs are permitted subject to the following standards:
 - (1) Such sign shall not exceed fifty (50) square feet in display surface area.

- (2) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
 - (3) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.
 - (4) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.
 - (5) Such sign shall not cover or interrupt major architectural features of the building.
 - (6) If a use utilizes both wall and projecting signs, the total display surface area shall not exceed eighty (80) square feet.
 - (7) The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
- d. If a use on a lot is set back from the public right-of-way a minimum of thirty (30) feet and has off-street parking, then such use may utilize one (1) ground or pole sign subject to the following standards. All other signs on the same lot shall be wall signs.
- (1) Such sign shall have a maximum display surface area of eighty (80) square feet. The maximum display surface area for all signs on the same lot shall be one hundred fifty (150) square feet.
 - (2) The maximum height of a pole sign shall be thirty (30) feet and of a ground sign four (4) feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
 - (3) The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.
 - (4) Such sign shall be set back from the right-of-way a minimum of eight (8) feet.
- e. A commercial complex of two (2) or more acres, which is set back from the right-of-way a minimum of thirty (30) feet and has off-street parking may utilize the following provisions:

- (1) A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of two hundred fifty (250) feet in length, one (1) additional such sign shall be permitted. The maximum size of each such sign shall be one hundred (100) square feet. Such sign shall not exceed thirty (30) feet in height or the height of the building, whichever is less, if a pole sign; or four (4) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- (2) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed five (5) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.
- (3) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1), above.
- (4) A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed ten (10) square feet and the maximum height shall be six (6) feet.

f. Signs may be illuminated subject to the following standards:

- (1) Exposed bulbs or luminous tubes are prohibited.
- (2) No sign shall change color or intensity.
- (3) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential or agricultural.
- (4) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

2. Industrial District Signs

Within Industrial Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted as follows:
 - (1) A use on a lot shall be permitted to have one (1) ground or pole sign per street frontage. The maximum display surface area shall be one hundred (100) square feet. The maximum display surface area for all signs on the same lot shall be one hundred sixty (160) square feet.
 - (2) The maximum height shall be twenty-five (25) feet for a pole sign and four (4) feet for a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
 - (3) Either type sign shall be set back from the right-of-way a minimum of eight (8) feet.
 - (4) The number of signs permitted on a sign structure shall be limited to one (1) sign except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.
 - (5) In addition to the signage permitted above, a use on a lot shall be allowed to have wall signs or signage painted on glass at the entrance to the building. Wall signs shall be subject to the standards contained above, in Subsection 11-408.6, 1, c.

2. General Off-Site Advertising Signs

General off-site advertising signs may be permitted within any commercial or industrial district subject to the following standards:

- a. The maximum display area shall be three hundred (300) square feet.
- b. These signs shall be limited to a maximum height of thirty-five (35) feet with a minimum of ten (10) feet from the ground to the bottom of the sign face.
- c. An off-site advertising sign shall be setback a minimum of twelve (12) feet from any public right-of-way. This distance is measured from the leading edge of the sign.
- d. All off-site advertising shall be no closer than one thousand (1,000) feet from any other off-site sign, measured along the road right-of-way.
- e. All off-site signs shall be at least one hundred (100) feet from any residential district or two hundred-fifty (250) feet from any residential district along the same side of the road.

- f. All off-site signs must meet the minimum side or rear setbacks for the district which they are located.
- g. Off-site signs erected or placed on developed lots must maintain a spacing of one hundred (100) feet from any permanent freestanding sign.

11-408.7 Temporary Sign Provisions

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

1. General Requirements

- a. All temporary signs are required to obtain a yearly permit to place one (1) temporary sign on a parcel or lot. Each permit shall be issued for a twelve (12) month period to be renewed the first month of each year. These permits will be twenty five dollars (\$25.00) to assist in the cost of administration of these regulations.
- b. Banners may be used as temporary signs.
- c. All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
- d. No temporary sign shall be displayed on a roof.
- e. No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner announcing a fair, festival, parade, or similar activity that will be open to the general public.
- f. Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to three (3) items of information.

2. Display Surface Area, Height, and Illumination

- a. Maximum display surface area shall be thirty-five (35) square feet except for street banners which shall not be limited.
- b. Maximum height shall be ten (10) feet, except that banners displayed over a public street shall have a minimum clearance of fifteen (15) feet.
- c. Temporary signs shall not be illuminated except in commercial or industrial districts.
- d. No sign shall flash or pulsate in any way.
- e. Any sign that is lighted shall be done in compliance with the National Electrical Code.

3. Location of Temporary Signs

- a. All temporary signs shall setback a minimum of five (5) feet, from any street right-of-way, unless an alternate location is approved by the Zoning Administrator in special cases. No temporary graphic shall overhand or encroach on any street right-of-way at any time.
- b. The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) feet.
- c. No temporary signs shall be closer than fifty (50) feet from any permanent sign.

11-408.8 Nonconforming and Noncomplying Sign Provisions

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions.

1. Removal of Temporary Nonconforming Signs

Nonconforming portable and handtacked signs and signs in a public right-of-way shall be removed within forty-five (45) days. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.

2. Alterations to Nonconforming and Noncomplying Signs

A nonconforming or noncomplying sign may be altered subject to the following conditions.

- a. The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its depreciated value.
- b. The total copy of an advertising sign may be changed in accordance with normal business practices.
- c. The proposed alteration conforms to the provisions of this ordinance.
- d. No new nonconformance or noncompliance is created.

3. Damage or Destruction of Nonconforming and Noncomplying Signs

When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this ordinance.

Except that any advertising sign located within six hundred-sixty (660) feet, of a Federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law.

11-409 Development Standards for Mobile Home Parks

The following regulations are intended to ensure a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

A. Mobile Home Park Zoning Permit

1. The application for a "mobile home park permit" shall be filed with the Zoning Administrator after the applicant has secured all water and sewer (or septic) permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park zoning permit has been issued by the Zoning Administrator. The mobile home park zoning permit may be issued only upon approval of the special exception by the New Johnsonville Board of Zoning Appeals. The Board shall act upon an application for a permit after receipt of a report from the New Johnsonville Planning Commission. The Board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

2. Site Plan Required

A mobile home park zoning permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the Planning Commission and the Board of Appeals of a site development plan containing the following information.

- a. The name and address of the applicant.
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c. The location, size, and number of all mobile home spaces.
- d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
- e. The proposed use of buildings shown on the site plan.
- f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- g. The location and number of all off-street parking facilities.
- h. The location of park and recreation areas.
- i. A complete drainage plan with contour lines at five (5) foot intervals.
- j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.

- k. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- l. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Zoning Administrator, The Planning Commission, and the Board of Zoning Appeals to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

3. Inspection Fee

An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

- a. The inspection fee shall be ten dollars (\$10.00) per year plus two dollars (\$2.00) per space. The fee is nonrefundable.
- b. The inspection fee shall be paid annually upon inspection of the mobile home park by the Zoning Administrator.

B. Development Standards

1. General

- a. A mobile home park shall be located only as a special exception within those districts where permitted.
- b. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- c. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

2. Minimum Development Size

No mobile home park shall be approved which contains less than five (5) acres in area or has less than fifteen (15) mobile home spaces.

3. Dimensional Requirements for Parks

- a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
- b. Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.

- c. No building structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- d. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

4. Spacing of Mobile Homes and Site Coverage

- a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
- b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access streets.
- c. Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

5. The Mobile Home Lot

a. General

The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.

b. Mobile Home Stands

The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", May, 1977.

c. Outdoor Living Area

Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

- d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

6. Utilities and Other Services

- a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.
- b. Each mobile home site shall be provided with the connection to the sanitary sewer line (or separate septic system for each mobile home site).
- c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
- d. Service buildings, housing sanitation and laundry facilities, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.
- f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquito's, or other pests.

7. Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

a. Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

b. Pavement Widths

Pavement widths shall be as follows:

Collector Street with No Parking	20 feet
with On-Street Parking	36 feet

Minor Street with No Parking	18 feet
with On-Street Parking	34 feet
One-Way Minor Street with No Parking	12 Feet
with On-Street Parking	28 Feet

c. Construction

The internal streets and drives shall be paved in accordance with city road standards or county subdivision road standards if in the region area.

8. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

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

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

9. Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

10. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

11. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

12. Parking

Parking shall be provided in accordance with Section 11-401.

a. Off-Street Parking

Paved off-street parking may be grouped in bays either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

C. Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Zoning Administrator which includes securing its stability to anchor pins and installing all utility connections.
4. The permittee shall maintain a register containing the following information:
 - a. The name and address of each mobile home occupant.
 - b. The name and address of the owner of each mobile home and motor vehicle by which it was towed.
 - c. The make, model, year, and license number of each mobile home and motor vehicle.
 - d. The date of arrival and of departure of each mobile home.
5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

6. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
9. The permittee shall be answerable for the violation of any provision of this section.

D. Responsibilities of Park Occupants

1. The park occupants shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.
3. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - The storage area shall be provided with a base of impervious material.
 - Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - The storage area shall be enclosed by skirting.
4. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
5. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
6. All park occupants shall be required to register their pets (dogs and cats) with the park management.
7. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.
8. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
9. No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

E. Inspections

1. The Zoning Administrator is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.
2. The Zoning Administrator shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.
3. Penalties
 - a. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
 - b. Each day that a violation is permitted to exist shall constitute a separate offense.
 - c. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

F. Revocation of Permit

The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

G. Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.
2. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.
3. Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

11-410 Alternative Provisions for Lot Size and the Location of Open Space

The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in the placement of buildings and in the location of open spaces associated therewith. These provisions are intended to provide variations in lot size and open space requirements within the residential districts. The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty of the area, while at the same time maintaining the necessary maximum population density limitations of the district in which this procedure may be permitted.

A. General Provisions

The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites. As such, the provisions do not constitute a use, but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings. It is necessary, however, that the purposes and intent of this ordinance be assured and that proper light, air, and privacy be made available for each dwelling unit.

A site development plan as provided for in this section is required not only as an accurate statement of the development, but as an enforceable legal instrument whereby the Planning Commission may be assured that the general purposes, standards, etc., contained in this section are being met.

B. Site Development Plan Required

1. Contents

A site development plan containing the information required by Section 11-703, shall be prepared and submitted to the Planning Commission for its review and approval along with a sketch plat as required by the Subdivision Regulations.

2. Coordinated Review

Upon receipt of a site development plan and sketch plat containing information as required above, the Planning Commission may:

- a. Concurrently review the site development plan and sketch plat;
- b. Jointly approve, approve with modification, or disapprove these documents; and
- c. In the instance of approval, or approval with modification, transfer the site development plan to the Zoning Administrator for enforcement.

3. Enforcement

Upon approval of a site development plan, the Zoning Administrator shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved plan.

C. Development Standards

The following standards and requirements shall apply to all alternative density developments.

1. General Standards for Development

In the interest of promoting the most appropriate economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:

- a. The protection of the characters, property values, privacy and other characteristics of the surrounding neighborhood;
- b. The provision for surface drainage control, sewage disposal, and water supply, recreation and traffic control; and
- c. The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

2. Availability of Public Utilities

Generally all public utilities, specifically including water and a central sewage collection and treatment system, as defined by this ordinance, shall be available. Where public sewer is not available, no lot or housing site may be created which is less than twenty thousand (20,000) square feet in area and all septic fields for each dwelling unit shall be located within the area of fee simple ownership of said dwelling unit.

3. Permitted Density

The density permitted is intended to be within the range of that permitted within more typical developments offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:

- a. From the gross acreage available within the development shall be subtracted:
 - (1) Any portion of the site which is within the right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to the landowner, because of restrictions thereon;
 - (2) Any portion of the site which lies within a regulated floodway.
- b. The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located. For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

4. Minimum Lot Area and Lot Width

No lot of record may be created within the district indicated which has less area than required for the type dwelling indicated.

The following dimensional requirements shall be maintained in all alternative density developments:

	<u>AG-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
Minimum Lot Size	20,000	10,000	6,000	4,000
Lot Width at Building Line	100	75	60	50
Front Yard Setback	35	30	30	25
Rear Yard Setback	15	10	10	10
Side Yard Setback	10	10	5	5

5. **(Reserved)**

6. Lot Coverage

Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregated site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zone district shall apply to these dwellings located within it. No transfer of bulk is permitted among zoning districts.

7. Access to Dwellings

Access to each lot shall be in compliance with Section 11-303, of this ordinance.

8. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

D. Open Space Requirements

Any common open space provided within a development this type shall:

1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common open space may be put to any use not specified in the approved final development plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

- c. Common open space may, subject to approval by the Planning Commission, shall consist of either improved or unimproved land. In this regard, the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Mandatory Provisions Governing Organization and Operation of Maintenance Association

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the development plan. The provisions shall included but not be limited to, the following:

- a. The maintenance organization must be established and operational before any homes are sold.
- b. Membership must be mandatory for each home buyer and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

11-411 Development Standards for Automobile Wrecking, Junk & Salvage Yards

A site development plan specified in Section 11-703, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, between eight (8) and twelve (12) feet in height. Storage between the road and street and such fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Street Parking
As regulated in Chapter 4, Section 11-401.
- F. Ingress and Egress
The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road, except where a more stringent State or Federal law applies.

11-412 Development Standards for Cemeteries

- A. The following standards shall be imposed upon the development and construction of cemeteries:
 - 1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
 - 2. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
 - 3. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.

4. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

11-413 Development Standards for Public Transport, Utility and Communication Towers

In all districts where authorized, the following supplementary regulations shall apply to uses classified in the Public Transport, Utility and Communication Tower activity type.

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- C. All transmitter stations, including towers and operating equipment shall adhere to the following standards:
 1. All towers with a height of one hundred fifty (150) feet or more (measured from base to top) shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1991, utilizing a wind rating of eighty miles per hour (80 MPH) plus ice loading for Middle Tennessee. Each application for a zoning permit shall be accompanied by a certification prepared and stamped by a licensed engineer that the tower in question meets this design standard.
 2. All towers shall be set back from all property lines a distance that is equal to or greater than:
 - a. For a guyed tower, twenty (20) percent of the height.
 - b. For a self-supporting tower, fifty (50) percent of the height.
 3. All applications for permits shall be accompanied by a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
 4. The entire tract containing such tower and equipment shall be enclosed with a fence no less than six (6) feet in height. Access gates will be locked at all times when the site is not occupied. The fenced area shall be buffered as described in the general definitions.

CHAPTER 5
ZONING DISTRICTS

SECTION

- 11-501 Classification of Districts
- 11-502 Zoning Map
- 11-503 Zoning District Boundaries
- 11-504 **(Reserved)**
- 11-505 Residential District Regulations
- 11-506 Commercial District Regulations
- 11-507 Industrial District Regulations
- 11-508 Floodplain Regulations

11-501 Classification of Districts

For the purpose of this ordinance, the following zoning districts are hereby established in the City of New Johnsonville, Tennessee and its planning region.

<u>Zoning District</u>	<u>District Abbreviation</u>
A. <u>Residential Districts</u>	
Large Lot Residential-Agricultural District	AG-1
Low-Density Residential District	R-2
Medium-Density Residential District	R-3
High-Density Residential District	R-4
B. <u>Commercial Districts</u>	
Commercial Service District	C-1
General Commercial District	C-2
Office/Professional Service District	C-3
C. <u>Industrial Districts</u>	
Light Industrial District	I-1
General Industrial District	I-2
D. <u>Floodplain Regulations</u>	

11-502 Zoning Map

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map, entitled, Zoning Map of New Johnsonville, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted map and zoning map amendments shall be maintained in the office of the mayor and Zoning Administrator and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

11-503 Zoning District Boundaries

Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, as they exist at the time of the enactment of the zoning. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than one hundred (100) feet within the more restricted district.

11-504 (Reserved)

11-505 Residential District Regulations

The residential districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

1. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;
2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.
4. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing freedom of architectural and site design;
5. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
6. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenue.

11-505.1 AG-1, Large Lot Residential-Agricultural District

A. Purpose and Intent of District

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefitted by an open residential environment without creating objectionable or undesirable influence upon residential developments. Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of residential development. It is the express purpose of this ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics, other than agricultural activities, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted **(Deleted and Replaced Ordinance 2009-21, January 4, 2010)**

In the AG-1, Large Lot Residential–Agricultural District, the following uses are permitted.

Agricultural Activities

Agricultural Services

Crops and Animal Raising

Plant and Forest Nurseries

Personal structures for use by the property owner defined as follows:

This type of structure shall be allowed without a principal structure and on any vacant lot within this district. Only one such structure shall be allowed on the lot. These structures include sheds, roofed storage areas, enclosed storage areas, or other similar uses of a permanent nature. Any temporary structure shall request a permit with a specific limitation on the time the structure may be permitted to exist on the lot. This type permit shall be issued for one or two years with a two year maximum life in which time the temporary structure must be removed. Otherwise, temporary structures must be on a lot with a principal structure. Any residential or commercial structure shall not be allowed under this definition. All setbacks that pertain to a principal structure must be met. All structures must be kept clean and in good repair. Agricultural structures are exempt from zoning and are not intended to be a part of this definition.

Residential Activities

Single Detached Dwelling

Dwelling, Mobile Home

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 11-408.
4. Home occupations as defined by and subject to the provisions of Section 11-404.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the AG-1, Large Lot Residential-Agricultural District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 11-708.

Residential Activities

Mobile Home Park

Community Facility Activities

Administrative Services
 Community Assembly
 Community Education
 Cultural and Recreational Services
 Intermediate Impact Facilities
 Personal and Group Care Facilities
 Religious Facilities

Commercial Activities

Convenience Commercial

E. Uses Prohibited

In the AG-1, Large Lot Residential-Agricultural District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the AG-1, Large Lot Residential-Agricultural District, shall comply with the following requirements.

1. Minimum Lot Size:

Minimum Area	40,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements:

Front Yard Setback	40 feet
Side	15 feet
Rear	30 feet

3. Maximum Lot Coverage

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

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 11-604.

5. Parking Space Requirements

As regulated in Section 11-401.

6. (Reserved)

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

11-505.2 R-2, Low-Density Residential District

A. Purpose and Intent of District

These districts are designed to provide suitable areas for low to medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally, these districts will be characterized by single-family detached structures and such other structures as are accessory thereto. These districts also include community facilities, public utilities and open uses which serve specifically the residents of those districts or which are benefitted by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-2, Low-Density Residential District, the following uses are permitted.

Residential Activities

Single Detached Dwelling

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 11-408.
4. Home occupations as defined by and subject to the provisions of Section 11-404.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-2, Low-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 11-708.

Community Facility Activities

Community Assembly
Community Education
Cultural and Recreational Services
Health Care Facilities
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities

E. Uses Prohibited

In the R-2, Low-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-2, Low-Density Residential District, shall comply with the following requirements.

1. Minimum Lot Size

Minimum Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	30 feet
Side	10 feet
Rear	25 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 11-604.

5. Parking Space Requirements

As regulated in Section 11-401.

6. **(Reserved)**

7. Accessory Structures
 - a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
 - b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

11-505.3 R-3, Medium-Density Residential District

A. Purpose and Intent of District

This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this

ordinance to exclude from this class district all buildings and other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted

In the R-3, Medium-Density Residential District, the following uses are permitted.

Residential Activities

Single Detached Dwelling
Duplex Dwelling

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 11-408.
4. Home occupations as defined by and subject to the provisions of Section 11-404.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-3, Medium-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 11-708.

Community Facility Activities

Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services
Health Care Facilities
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities

Residential Activities

Dwelling, Multi-Family (Apartment, Townhouse)

E. Uses Prohibited

In the R-3, Medium-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-3, Medium-Density Residential District, shall comply with the following requirements.

1. Minimum Lot Size

Minimum Area	10,000 square feet
Area Per Family	7,000 square feet
Lot Width at Building Setback	60 feet

2. Minimum Yard Requirements **(Deleted and Replaced by Ordinance 2007-17, October 1, 2007)**

Front Yard Setback	30 feet
Side	10 feet
Rear	20 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 11-604.

5. Parking Space Requirements

As regulated in Section 11-401.

6. (Reserved)

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

11-505.4 **R-4, High-Density Residential District**

A. Purpose and Intent of District

This class of district is designed to provide suitable areas for high-density residential development where sufficient urban services and facilities are available or where such facilities will be available prior to development. All types of residential activities are permitted, if they are in a planned unit development. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. Commercial activities may be permitted where included as a part of a planned development.

B. Uses Permitted

In the R-4, High-Density Residential District, the following uses are permitted.

Residential Activities

1. Permanent Activities

Dwelling, Single Detached
Dwelling, Duplex
Dwelling, Mobile Home
Dwelling, Multi-Family (Apartment, Townhouse)

2. Semi-Permanent Residential

Boarding House
Rooming House

Community Facility Activities

Essential Service

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 11-408.
4. Home occupations as defined by and subject to the provisions of Section 11-404.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-4, High-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 11-708.

Residential

Mobile Home Park (Subject to the Provisions of Section 11-409)

Community Facility Activities

Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services
Health Care Facilities
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities

E. Uses Prohibited

In the R-4, High-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-4, High-Density Residential District, shall comply with the following requirements.

1.	Minimum Lot Size	6,000 square feet
	Area Per Family	3,000 square feet
	Lot Width at Building Setback	60 feet

2. Minimum Yard Requirements

Front Yard Setback	30 feet
Side	10 feet
Rear	10 feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 11-604.

5. Parking Space Requirements

As regulated in Section 11-401.

6. **(Reserved)**

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

11-506 Commercial District Regulations

The commercial districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and their objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and providing for off-street parking and loading facilities.
4. To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of New Johnsonville, and in particular the need for medical services, and the needs of the general public traveling along major highways.
5. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to protect and strengthen the economic base of New Johnsonville to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings.

11-506.1 (Reserved)

11-506.2 C-1, Commercial Service District

A. District Description

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Such districts should be situated in clustered development patterns, and not patterns of stripped commercial development.

B. Uses Permitted

In the C-1, Commercial Service District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services
Essential Services
Health Care Facilities
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities

Commercial Activities

Animal Care and Veterinarian Services
Automotive Parking
Automotive Service and Repair
Building Materials and Farm Equipment
Consumer Repair Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting, and Administrative
Food and Beverage Service
Food Service - Drive-In
General Business and Communication Services
General Personal Service
General Retail Trade

Medical and Professional Services
Transient Habitation
Undertaking Services
Vehicular, Craft and Related Equipment

C. Accessory Uses and Structures

The following accessory uses are permitted in the C-1, Commercial Service District.

1. Signs in compliance with the regulations set forth in Section 11-408.
2. Accessory off-street parking and loading facilities as required in Section 11-401.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-1, Commercial Service District, the following uses and their accessory uses may be permitted as special exceptions, after review and approval in accordance with Section 11-708.

Agricultural, Resources Production, and Extractive Activities

Plant and Forest Nurseries

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-1, Commercial Service District.

F. Dimensional Regulations

All uses permitted in the C-1, Commercial Service District, shall comply with the following requirements in Chapter 6.

1. Minimum Lot Size

Minimum Lot Area	10,000 square feet
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2. Minimum Yard Requirements

Front Yard Setback	35 feet
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Side Yard Setback	15 feet
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except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.

Rear Yard Setback 20 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 11-604.

5. Parking Space Requirement

As regulated in Chapter 4, Section 11-401.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

11-506.3 C-2, General Commercial District

A. District Description

These districts are designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores; eating and drinking places, financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

B. Uses Permitted

In the C-2, General Commercial District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services
Essential Services
Health Care Facilities
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities

Commercial Activities

Animal Care and Veterinarian Services
Automotive Parking
Automotive Service and Repair
Building Materials and Farm Equipment
Consumer Repair Services
Construction Sales and Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting, and Administrative
Food and Beverage Service
Food Service - Drive-In
General Business and Communication Services
General Personal Service
General Retail Trade
Group Assembly
Medical and Professional Services
Transient Habitation
Transport and Warehousing
Undertaking Services
Vehicular, Craft and Related Equipment
Wholesale Sales

C. Accessory Uses and Structures

The following accessories are permitted in the C-2, General Commercial District.

1. Signs in compliance with the regulations set forth in Section 11-408.
2. Accessory off-street parking and loading facilities as required in Section 11-401.
3. Accessory structures and uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-2, General Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 11-708.

Manufacturing Activities

Limited Manufacturing Activities

Agricultural, Resources Production and Extractive Activities

Plant and Forest Nurseries

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-2, General Commercial District.

F. Dimensional Regulations

All uses permitted in the C-2, General Commercial District, shall comply with the following requirements, except as provided in Chapter 6.

1. Minimum Lot Size

Minimum Lot Area	10,000 square feet
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2. Minimum Yard Requirements

Front Yard Setback	35 feet
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Side Yard Setback, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet	15 feet
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Rear Yard Setback, except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.	20 feet
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3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 11-604.

5. Parking Space Requirement

As regulated in Chapter 4, Section 11-401.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

11-506.4 (Reserved)

11-506.5 C-3, Office/Professional Service District

A. This district is designed to provide for the provision of professional office services, medical and personal services, as well as financial, insurance, real estate and consulting services. In addition to the office activities, limited commercial trade and certain community facilities are permitted to serve to the needs of persons frequenting this district.

B. Uses Permitted

In the C-3, Office/Professional Service District, the following uses and their accessory uses are permitted.

Community Facility Activities

Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services
Essential Services
Health Care Facilities
Personal and Group Care Facilities
Religious Facilities

Commercial Activities

Automotive Parking
Financial, Consulting, and Administrative Services
General Business and Communication Services
General Personal Service
Medical and Professional Services

C. Accessory Uses and Structures

The following accessories are permitted in the C-3, Office/Professional Service District.

1. Signs in compliance with the regulations set forth in Section 11-408.
2. Accessory off-street parking and loading facilities as required in Section 11-401.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-3, Office/Professional Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 11-708.

Commercial Activities

Food and Beverage Service
Food Service Drive-In

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-3, Office/Professional Service District.

F. Dimensional Regulations

All uses permitted in the C-3, Office/Professional Service District, shall comply with the following requirements, except as provided in Chapter 6.

1. Minimum Lot Size

Minimum Lot Area	10,000 square feet
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2. Minimum Yard Requirements

Front Yard Setback	40 feet
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Side Yard Setback, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	15 feet
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Rear Yard Setback, 20 feet
except where the rear yard
abuts or is adjacent to a
residential district, in which
case the minimum setback for
that yard shall be fifty (50) feet.

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 11-604.

5. Parking Space Requirement

As regulated in Section 11-401.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

11-507 Industrial Districts

The industrial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the area of New Johnsonville's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.

3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
5. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the New Johnsonville area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect New Johnsonville's tax revenues.

11-507.1 I-1, Light Industrial District

A. District Description

These districts are intended to provide space for a wide range of industrial and related uses which conform to a relatively low level of objectionable influences. It is required that all operations of industrial establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

B. Uses Permitted

In the I-1, Light Industrial District, the following uses and accessory uses are permitted.

Community Facility Activities

Essential Services
 Extensive Impact Facilities

Commercial Activities

Animal Care and Veterinarian Services
Building Materials and Farm Equipment
Construction Sales and Services
Transport and Warehousing
Wholesale Sales

Manufacturing Activities

Limited Manufacturing
Intermediate Manufacturing

Agricultural, Resources Production, and Extraction Activities

Commercial Feed Lots and Stockyards
Crop and Animal Raising
Plant and Forest Nurseries

C. Accessory Uses and Structures

The following accessory uses are permitted in the I-1, Light Industrial District.

1. Signs in compliance with the regulations set forth in Section 11-408.
2. Accessory off-street parking and loading facilities as required in Section 11-401.
3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
4. Day care centers are allowed as an accessory use to any Industrial Activity provided that such a use is carried out on the same premises. Such day care centers shall meet all State of Tennessee licensing requirements.

D. Uses Permitted as Special Exceptions

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 11-708.

Adult Oriented Business (See Chapter 7, Section 11-708, Subpart M). **(Added by Ordinance No. 2000-03, Dated May 1, 2000)**

Community Facility Activities

Administrative Services
Intermediate Impact Facilities

5. Parking Space Requirement

As regulated in Section 11-401.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

11-507.2 I-2, General Industrial District

A. District Description

These districts are intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

B. Uses Permitted

In the I-2, General Industrial District, the following uses and accessory uses are permitted.

Community Facility Activities

Essential Services

Commercial Activities

Animal Care and Veterinarian Services
Building Materials and Farm Equipment
Construction Sales and Services
Food and Beverage Service
Food Service Drive-In
Transport and Warehousing
Wholesale Sales

Manufacturing Activities

Limited Manufacturing
Intermediate Manufacturing

C. Accessory Uses and Structures

The following accessory uses are permitted in the I-2, General Industrial District.

1. Signs in compliance with the regulations set forth in Section 11-408.
2. Accessory off-street parking and loading facilities as required in Section 11-401.
3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
4. Day care centers are allowed as an accessory use to any Industrial Activity provided that such a use is carried out on the same premises. Such day care centers shall meet all State of Tennessee licensing requirements.

D. Uses Permitted as Special Exceptions

In the I-2, General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 11-708.

Community Facility Activities

Extensive Impact Facilities

Commercial Activities

Group Assembly

Manufacturing Activities

Extensive Manufacturing Activities

Agricultural, Resources Production, and Extractive Activities

Mining, Drilling and Quarrying

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the I-2, General Industrial District.

F. Dimensional Regulations

All uses permitted in the I-2, General Industrial District shall comply with the following requirements except as provided in Chapter 6.

1. Minimum Lot Size

Minimum Lot Area

40,000 square feet

2. Minimum Yard Requirements

Front Yard Setback 100 feet

Side Yard Setback, 40 feet
except where the side
yard abuts or is adjacent to a
residential district,
in which case the
minimum setback for that
yard shall be eighty (80) feet.

Rear Yard Setback, 50 feet
except where the rear
yard abuts or is adjacent to a
residential district,
in which case the
minimum setback for
that yard shall be
one hundred (100) feet.

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty-five (45) feet in height, except as provided in Section 11-604.

5. Parking Space Requirement

As regulated in Section 11-401.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways.

11-507.3 I-3, Special Impact Industrial District

A. District Description and Purpose

This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the I-3, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of New Johnsonville will be affected.

B. Site Location Criteria

1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
2. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
3. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
4. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
5. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
6. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
7. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for New Johnsonville.
8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
9. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the I-3, Special Impact Industrial District.

1. Preliminary Review

All applications for rezoning to the I-C, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Zoning Administrator in accordance with the provisions of this section. All applications for rezonings shall be accompanied by:

a. Preliminary Development Plan to Include the Following Information:

- (1) Letter from the owner detailing the proposed zoning change.
- (2) Location map of the proposed site, including size of the property.
- (3) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
- (4) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- (5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Major Road Plan.
- (6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- (7) A tabulation of the land areas to be devoted to all uses and activities.
- (8) Ability of the site to be able to meet the Site Location Criteria in Subpart B, above, along with the General Requirements, in Subpart H, and the Requirements for Specific Uses, in Subpart I, below, for the proposed use of the property.

b. Operational Data to Include the Following Information

- (1) Type of operation and detailed description of the operation.
- (2) Average number of vehicles entering and leaving site on a daily basis and the routes taken.

- (3) Types of Federal and State permits required for operation of the proposed facility.
- (4) Safety measures to be used on site as well as the system for dealing with complaints.
- (5) Ultimate use and ownership of the site after completion of operation. (Landfills only.)

c. Environmental Assessments to Include the Following Information

- (1) Geological data on the site as prepared by a Tennessee licensed geologist.
- (2) Effects of the proposed use on ground water quality in the area.
- (3) Effects of the proposed use on air quality in the area.
- (4) Potential danger to any surface water or water supply.

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the City Council whether the proposed use should be rezoned to the I-3, Special Impact Industrial District. If the City Council approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

3. Final Development Plan Review

After approval of the rezoning by the City Council, the landowner may make application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan shall Include the Following

- (1) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (2) Site plan to be at a scale of one inch equals two hundred feet (1"=200').

- (3) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).
- (4) Stages of development of the site and the expected time of completion.
- (5) Copies of all required Federal and State permits the applicant has obtained.
- (6) Final site plan shall be in compliance with Subpart H, I, and J, below for the proposed use of the property.

b. Site and Geological Data

- (1) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.
- (2) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- (3) Ground water movements and aquifer information.
- (4) Existing vegetation cover on the site.
- (5) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted

In the I-3, Special Impact Industrial District, the following uses are permitted:

1. Special Impact Facilities

Arsenals
Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Hazardous Wastes
Radioactive Wastes
Solid Waste Landfills
Solid Waste Processing and Recycling
Waste Incinerators, Including Hospital and Medical Waste
Biosolids – Handling or Distribution

E. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Section 11-408.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in Section 11-401 and 11-402.

F. Uses Permitted as Special Exceptions

There are no uses permitted as special exceptions in the I-3, Special Impact Industrial District.

G. Uses Prohibited

In the I-3, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

H. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates and shall be properly maintained until all operations are completed.
4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.

8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.
11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Environment and Conservation.

I. Requirements for Specific Uses

1. Requirements for Incinerators and Atomic Reactors

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than two hundred (200) feet from any site boundary line.
- b. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- c. All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- d. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.
- e. All separation or picking of waste materials shall be conducted in an enclosed building only.
- f. A watchman shall be stationed at the site at all times for whom a suitable shelter shall be provided.

2. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks

- a. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
- b. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than two hundred (200) feet from any site boundary line.
- c. A security guard shall be stationed at the site at all times for whom a suitable shelter shall be provided.

3. Requirements for Solid Waste Landfills

- a. All areas used for filling operations shall maintain the minimum setback as required by this section.
- b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- c. All separation or picking of waste materials shall be conducted in enclosed building only.
- d. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
- e. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

4. Requirements for Hazardous and Radioactive Wastes

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than two hundred (200) feet from any site boundary line.
- b. All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
- c. All areas used for filling operations shall maintain the minimum setback as required by this section.
- d. A security guard shall be stationed at the site at all times for whom a suitable shelter shall be provided.

J. Dimensional Requirements

All uses permitted in the I-3, Special Impact Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area	10 acres
Lot Width at Building Setback	500 feet

2. Minimum Yard Requirements

Front Yard Setback	150 feet
Side Yard Setback	100 feet

except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

Rear Yard Setback	100 feet
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except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Section 11-604.

5. Parking Space Requirements

As regulated in, Section 11-401.

6. Accessory Structures

a. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

b. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

7. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

K. Performance Bond Required

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Zoning Administrator shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

11-508 Floodplain Regulations (Deleted and Replaced by Ordinance 2009-09, June 6, 2009)

11-508.1 Statutory Authorization, Findings of Fact, Purpose and Objectives

A. Statutory Authorization

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

B. Findings of Fact

1. The City of New Johnsonville, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

2. Areas of the City of New Johnsonville are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

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

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

D. Objectives

The objectives of this Ordinance are:

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

7. To ensure that potential homebuyers are notified that property is in a flood prone area;
8. To maintain eligibility for participation in the NFIP.

11-508.2 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" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Recreational Vehicle” means a vehicle which is:

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

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

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

“Special Flood Hazard Area” is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

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

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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 FEMA to assist in the implementation of the NFIP for the State.

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

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

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

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

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (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.

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

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

11-508.3 General Provisions

A. Application

This Ordinance shall apply to all areas within the incorporated area of the City of New Johnsonville, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of New Johnsonville, Tennessee, as identified by FEMA, and in its **Flood Insurance Study (FIS) Number 47085CV000A and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 470266, 125, 140, 150, 165, 250, 275, dated, September 25, 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 the City of New Johnsonville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or

fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of New Johnsonville from taking such other lawful actions to prevent or remedy any violation.

11-508.4 Administration

A. Designation of Ordinance Administrator

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

B. Permit Procedures

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

1. Application Stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in Subsection 11-508.5, Subparts A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

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

C. Duties and Responsibilities of the Administrator

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

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

6. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Subsection 11-508.4, Subpart B.
7. Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Subsection 11-508.4, Subpart B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Subsection 11-508.4, Subpart B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City of New Johnsonville FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

11-508.5 Provisions for Flood Hazard Reduction

A. General Standards

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

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

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Subsection 11-508.5, Subpart B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Subsection 11-508.5, Subpart A, are required:

1. Residential Structures

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

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Subsection 11-508.2). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

2. Nonresidential Structures

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Subsection 11-508.2). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Subsection 11-508.4, Subpart B.

3. Enclosures

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Subsection 11-508.5, Subpart B.

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.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - i. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - ii. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Subsection 11-508.2).

- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Subsection 11-508.5, Subparts A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - iii. The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

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

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Subsection 11-508.5, Subpart E).

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

Located within the Special Flood Hazard Areas established in Subsection 11-508.3, Subpart B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of New Johnsonville and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 11-508.5, Subparts A and B.

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

Located within the Special Flood Hazard Areas established in Subsection 11-508.3, Subpart B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 11-508.5, Subparts A and B.

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

Located within the Special Flood Hazard Areas established in Subsection 11-508.3, Subpart B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Subsection 11-508.5, Subparts A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Subsection 11-508.2). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Subsection 11-508.4, Subpart B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Subsection 11-508.5, Subpart B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of New Johnsonville, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 11-508.5, Subparts A and B. Within approximate A Zones, require that those subsections of Subsection 11-508.5, Subpart B, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in Subsection 11-508.3, Subpart 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, in addition to those set forth in Subsection 11-508.5, Subparts A and B, apply:

1. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Subsection 11-508.5, Subpart B.
2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Subsection 11-508.4, Subpart B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Subsection 11-508.3, Subpart B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Subsections 11-508.4 and 11-508.5, shall apply.

H. Standards for Unmapped Streams

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

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

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Subsections 11-508.4 and 11-508.5.

11-508.6 Variance Procedures

A. Municipal Board of Zoning Appeals

1. Authority

The City of New Johnsonville Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

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

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

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

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision,

determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

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

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

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

B. Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Subsection 11-508.6, Subpart A.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- 4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

11-508.7 Legal Status Provisions

A. Conflict with Other Ordinances

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

B. Severability

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, in accordance with the Charter of the City of New Johnsonville, Tennessee, and the public welfare demanding it.

CHAPTER 6

EXCEPTIONS AND MODIFICATIONS

SECTION

- 11-601 Scope
- 11-602 Nonconforming Uses
- 11-603 Bulk and Lot Size Noncompliance
- 11-604 Exceptions to Height Limitations
- 11-605 Lots of Record
- 11-606 Exceptions to Setback Requirements
- 11-607 Absolute Minimum Lot Size

11-601 Scope

Chapter 6, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Chapter 4 and Chapter 5.

11-602 Nonconforming Uses

The districts established in this ordinance (as set forth in district regulations in Chapter 5) are designed to guide the future use of land in New Johnsonville, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this chapter are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this chapter are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

11-602.1 Provisions Governing Nonconforming Uses

A. Applicability

The provisions of this chapter are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.

B. Construction or Use Permit Approved Prior to Ordinance Adoption

Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required zoning permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

C. Repairs and Alterations

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

D. Zone Lot Containing Nonconforming Use

A zone lot containing a nonconforming use shall not be reduced in area except to comply with Subpart C.

E. Continuation of Nonconforming Use

Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken.

F. Change of Nonconforming Use

1. General Provisions

For the purpose of this chapter, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

3. Nonconforming to Conforming Use

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

G. Expansion of Nonconforming Uses

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

3. Adequate Space for Expansion

No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance. All required yard setback requirements must be adhered to in any such expansion project.

4. Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

5. Expansion upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Section 11-508.

H. Damage or Destruction

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

2. Change in Use Prohibited

No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Subpart G, above) to other than a permitted use.

3. Land with Incidental Improvements

In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

4. Infringement upon Open Space Restricted

No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

5. Reconstruction of Flood Damaged Property

The provisions of Section 11-603, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within a floodway district.

I. Discontinuance

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

11-603 Bulk and Lot Size Noncompliance

A. General Provisions

The provisions of this chapter shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

B. Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

C. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 11-603, D., through 11-603, F.

D. Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

E. Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of thirty-five hundred (3,500) square feet, which before conversion required a lot area of five thousand (5,000) square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five thousand (5,000) square feet).

F. Damage or Destruction of Noncomplying Uses

A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof.

11-604 Exceptions to Height Limitations

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Heights exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the Planning Commission.

11-605 Lots of Record

The following provisions shall apply to all existing lots of record:

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

- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

11-606 Exceptions to Setback Requirements

The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

11-607 Absolute Minimum Lot Size

In no case shall the Zoning Administrator or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than four thousand (4,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet.

CHAPTER 7

ADMINISTRATION AND ENFORCEMENT

SECTION

- 11-701 Administration of the Ordinance
- 11-702 The Enforcement Officer
- 11-703 Zoning Permits
- 11-704 Temporary Use Permits
- 11-705 Certificate of Occupancy
- 11-706 Board of Zoning Appeals
- 11-707 Variances
- 11-708 Procedure for Authorizing Special Exceptions
- 11-709 Amendments to the Ordinance
- 11-710 Penalties
- 11-711 Remedies
- 11-712 Separability
- 11-713 Interpretation
- 11-714 Effective date

11-701 Administration of the Ordinance

Except as, otherwise, provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

11-702 The Enforcement Officer

The provisions of this ordinance shall be administered and enforced by the City Zoning Administrator. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all zoning permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance.

The Zoning Administrator shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

11-703 Zoning Permits

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit therefore, issued by the Zoning Administrator. If said excavation or construction is begun without a proper zoning permit the zoning permit fee shall be double or twice the original cost of the permit if legal compliance had been obtained as is required.

No zoning permit shall be issued by the Zoning Administrator, except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application

Application for a zoning permit shall be made in writing to the Zoning Administrator on forms provided for that purpose. All applications for zoning permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

B. Site Plan Requirements

Site plans containing the information required for the particular use by this section must be submitted to the Zoning Administrator at the time of an application for a zoning permit. It is specifically anticipated that the approval process for one- and two-family detached houses and individual mobile homes shall be administratively approved by the Zoning Administrator. All other uses shall only be approved in the manner set forth in Section 11-703, B, 2, below.

1. Site Plans Required for One- and Two-Family Detached Houses and Individual Mobile Homes
 - a. The actual shape, location, and dimensions of the lot to be built upon.
 - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.

- c. The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.
- d. The size and location of all yards and open areas required by this ordinance.
- e. The dimension and location of all public water and sewer lines from which the property is to be served.
- f. The location and approximate dimension of all points of access to a public street or road.
- g. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
- h. Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

2. Site Plans Required for All Other Buildings and Activities

This procedure is to be utilized for all buildings and activities, except those subject to the provisions of Section 11-703, B, 1. Unless otherwise specified, the reviewing agency shall be the New Johnsonville Planning Commission. Proposals for mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the Planning Commission.

The following information shall be included in the site plan:

- a. General Location Sketch Map at a Scale not Smaller than 1"=2,000', Showing:
 - (1) The approximate boundaries of the site.
 - (2) External (public access streets or roads in relation to the site).
 - (3) Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
 - (4) Any public water and sewer systems in relation to site.
- b. Site Plan Drawn at a Scale no Smaller than 1"=200', Showing:
 - (1) The actual shape, location, and dimensions of the lot.
 - (2) The shape, size, and location of all buildings or other structures already on the lot.
 - (3) The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.

- (4) Topographic features, both existing and proposed, with contours at a vertical, interval no greater than five (5) feet.
- (5) Location of all driveways and entrances.
- (6) Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
- (7) Location of all accessory off-street loading berths.
- (8) Location of open space.
- (9) Proposed ground coverage, floor area, and building heights.
- (10) Position of fences and walls to be utilized for screening (materials specified).
- (11) Position of screen planting (type of planting specified).
- (12) Proposed means of surface drainage, including all drainage ways and facilities.
- (13) Location of all easements and rights-of-way.
- (14) Location of areas subject to flooding.
- (15) Location and size of all utilities, including all fire hydrants.
- (16) Location, type, and size of proposed signs.

c. The Planning Commission as the Reviewing Body May:

- (1) Recommend approval of the plan as submitted to the Zoning Administrator.
- (2) Recommend disapproval of the plan.
- (3) Recommend approval of the plan with conditions or recommendations for alterations.

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

C. Fee

The New Johnsonville City Council shall establish a schedule of fees and a collection procedure for zoning permits. The schedule of fees shall be posted in the office of the Zoning Administrator and City Hall. Only the City Council may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

D. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Zoning Administrator shall issue a zoning permit for such excavation or construction. If an application for a zoning permit is not approved, the Zoning Administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this ordinance.

E. Construction Progress

Any zoning permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

11-704 Temporary Use Permits

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Zoning Administrator, as provided for in Chapter 4, Section 11-403, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Zoning Administrator on the form provided for that purpose. A schedule of fees shall be established by the New Johnsonville City Council. Such schedule shall be posted in the office of the Zoning Administrator and City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

11-705 Certificate of Occupancy

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

11-706 Board of Zoning Appeals

A. Termination of Existing Board

The functioning of the existing Board of Zoning Appeals as created by the New Johnsonville Zoning Ordinance dated September 10, 1973, and as amended, shall terminate upon appointment of the two Boards of Zoning Appeals as authorized under this ordinance as provided by Sections 13-7-205 and 13-7-304, Tennessee Code Annotated.

B. Creation of the Board of Zoning Appeals - Membership and Appointment

Two Boards of Zoning Appeals are hereby established which are referred to in this ordinance, jointly and severally, as the "Board" or "Board of Appeals". The Municipal Board of Appeals which shall have jurisdiction within the corporate limits of the city shall consist of three members, two of whom shall be bona fide residents of the city at the time of their appointment and who shall continue to reside within the city as long as they serve. At least one of the members shall be a member of the Regional Planning Commission. The

Regional Board of Appeals which shall have jurisdiction within the Planning Region and outside of the corporate limits shall consist of the Municipal Board plus two additional members who shall live within the planning region but outside the corporate limits of the city.

All members of such boards shall be appointed by the Mayor of the city and confirmed by majority vote of the city council.

C. Term of Office of Board Members, Removal, and Vacancies

The members of the board shall serve for a 3-year term, or until their respective successors are appointed and qualified, except that the board first appointed shall serve respectively for the following terms: one for (1) year, one for (2) years, and one for (3) years and in the case of the two additional members of the regional board, one for (2) years and one for (3) years. All members of the board may be removed from membership on the board for continued absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. Vacancies of said board shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

D. Powers of the Board

The board is hereby vested with the powers to:

1. Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in carrying out the enforcement of this ordinance, whereby it is alleged in writing that the Zoning Administrator is in error or has acted in an arbitrary manner;
2. Hear and act upon application for variances in accordance with Section 11-707, of this chapter, to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reasons of unique shape, topography, or physical features of the zone lot;
3. Hear and act upon applications for conditional use permits in the manner and subject to the standards set out in Section 11-708, of this chapter;
4. Hear and decide all matters referred to it on which it is required to act under this Title;

E. Election of Officers

The board shall elect from its members its own chair, vice-chair, and secretary who shall serve for one year and may upon election serve succeeding terms.

F. Conflict of Interest

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

G. Meetings of the Board

Meetings shall be held at the call of the chair and at such other times as the board may determine. The chairman, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

H. Rules and Proceedings of the Board

The board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of two members of the municipal board shall constitute a quorum. Three members of the regional board shall constitute a quorum. The concerning vote of a majority of the quorum present shall be necessary to deny or grant any application before the board;
2. No action shall be taken by the board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation at least ten (10) days before the date set for a public hearing. No appeal shall be considered and heard by the board unless such appeal shall have been filed at least fifteen (15) days prior to the meeting at which it is to be heard;
3. The board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the board as may be reasonably required;
4. The planning commission shall be permitted to submit an advisory opinion on any matter before the board and such opinion shall be made part of the record of such public hearing;
5. Any officer, agency, or department of the city or other aggrieved party may appeal any decision of the board to a court of competent jurisdiction as provided for by state law;
6. In any decision made by the board on a variance the board shall:
 - a. Indicate the specific section of this Title under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare".
 - b. In cases pertaining to hardship, specifically identify the hardship warranting such action by the board;
 - c. Any decision made by the board on a conditional use permit shall indicate the specific section of this ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit;

- d. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the board, good and sufficient cause being shown;
- e. At the public hearing of the case before the board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

I. Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certified to the board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of competent jurisdiction on application, on notice to the Zoning Administrator, and on due cause shown.

J. Liability of Board Members, Zoning Administrator and Employees

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

K. Right to Entry Upon Land

The board, its members, and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Title.

11-707 Variances

The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Hearings

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Fee

A fee of fifty dollars (\$50.00) shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

D. Standards for Variances

The Board shall not grant a variance, except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that 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 must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities otherwise excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
8. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

D. Restrictions and Variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. 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.
3. The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 11-707, C, above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances.

11-708 Procedure for Authorizing Special Exceptions

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Sections 13-7-109 and 13-7-207, of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Zoning Administrator to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. General Requirements

A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- b. Will not adversely affect other property in the area in which it is located.
- c. Is within the provision of "Special Exceptions" as set forth in this ordinance.
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Section 11-708, necessary for public convenience in the location planned.

C. Criteria for Review

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 11-708), and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in Subpart 1, above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the Items in Subpart 1 and 2, above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space.
8. General compatibility with adjacent properties and other property in the district.

D. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit

All applications reviewed by the Board shall be decided within thirty (30) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

G. Special Exceptions Appeals

Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction. A fee of fifty dollars (\$50.00) shall be charged to cover review and processing of each application for a special exception.

H. Specific Standards for Residential Activities

A special exception shall not be granted for the residential activities specified below unless the standards established there are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities

In addition to the standards contained elsewhere in this ordinance for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools availability of necessary public utilities, and character of adjoining structures, and suitability of the site for the use and such other factors as the Board may deem necessary.

I. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

1. Special Conditions for Administrative Services

- a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- b. All lot, yard, and bulk regulations of the zone district shall apply.
- c. Appropriate off-street parking requirements shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
- e. The site and architectural plans shall be approved by the Planning Commission.

2. Day Care Centers

For purposes of this ordinance day care facilities are classified into two types as defined below:

Day Care Home - includes day care in an occupied residence of not more than seven (7) children including children living in the home.

Day Care Center - includes day care for more than seven (7) preteenage children in any kind of building.

a. Day Care Home

The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met.

An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

b. Day Care Center

- (1) No such facility shall be permitted on a zone lot unless it contains a minimum of forty thousand (40,000) square feet.
- (2) All bulk and setback regulations of the district shall be met.
- (3) One (1) accessory off-street parking space for each five (5) children accommodated in the child care facility shall be provided.
- (4) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to enter or exit the zone lot.
- (5) All regulations of the State of Tennessee that pertain to the use shall be met.
- (6) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
- (7) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
- (8) The site and architectural plans of such a facility shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

3. Special Conditions for All Other Personal and Group Care Activities

- a. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.
- b. All bulk regulations of the district shall be met.

- c. The requirements of the accessory off-street parking regulations of this ordinance shall apply.
- d. All regulations of the State of Tennessee shall be met.
- e. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

4. Special Conditions for Community Assembly

- a. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
- b. All bulk regulations of the zone district shall apply.

c. Off-Street Parking

- (1) For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
- (2) For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

- d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- f. All public utilities and sewage disposal shall be available and connected to the site.

Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

5. Special Conditions for Cultural and Recreational Services

- a. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- b. All bulk regulations of the district shall apply.

- c. The off-street parking requirements of this ordinance shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- f. The site and architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

6. Special Conditions for Community Education

- a. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- b. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- d. The off-street parking requirements of this ordinance shall apply.

7. Special Conditions for Health Care

a. Minimum Lot Area

- (1) No health clinic shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- (2) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.
- b. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).
- c. All other regulations of the district shall apply.
- d. There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.
- f. All public utilities and sewage disposal shall be available and connected to the site.

- g. The site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.
- h. The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district;

- (1) Community Facility Activities

- (2) Commercial Activities

- Convenience Sales and Services
- Automotive Parking
- Food Service
- Medical Service

8. Special Conditions for Intermediate and Extensive Impact

- a. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.
- c. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- d. The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.
- e. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

9. (Reserved)

10. Special Conditions for Religious Facilities

- a. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
- b. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- c. All bulk regulations of the district shall be met.
- d. The off-street parking requirements of this ordinance shall apply.

J. Specific Standards for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

1. Special Conditions for Group Assembly Activities

- a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- e. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 - (1) The minimum size site shall be twenty-five (25) acres.
 - (2) The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
 - (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
 - (4) Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
 - (5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
 - (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
 - (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

- (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- f. When an application for a Group Assembly Permit includes a private campground, the following standards shall be met:
- (1) Such campground shall have on site management.
 - (2) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.
 - (3) Such Campground Shall Meet the Following Standards:
 - Minimum size - Ten (10) acres.
 - Maximum density - Ten (10) campsites per gross acre.
 - Sanitary facilities, including flush toilets and showers - Within three hundred (300) feet walking distance of each campsite.
 - Dump station for travel trailers.
 - Potable water supply - One (1) spigot for each four (4) campsites.
 - Trash receptacle - One (1) for each two (2) campsites.
 - Parking - One (1) space per campsite.
 - Picnic table - One (1) per campsite.
 - Fireplace or grill - One (1) per campsite.
 - Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.
 - (4) Such Campground Shall Meet the Following Design Requirements:
 - Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degree turn - 40 feet

Minimum radius for a 60 degree turn - 50 feet

Minimum radius for a 45 degree turn - 68 feet

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

K. Specific Standards for Agricultural and Extractive Activities

A special exception permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Mining and Quarrying Activities

- a. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
- b. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
 - (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
 - (2) Location of the area in which the proposed quarrying activity is to be conducted.

- (3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - (4) Proposed method of drainage of the quarry area.
 - (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
 - (7) Methods proposed to control noise, vibration and other particulate matter.
 - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.
- c. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
 - d. Before issuing a permit the Board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the Planning Commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
 - e. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the manner and procedure as prescribed for an original application.
 - f. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

2. Special Conditions for Commercial Storage of Explosives

- a. The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or for similar cause.
- b. Such facility shall not be located on a site having an area of less than fifty (50) acres.

- c. All regulations of the State Fire Marshall relating to the storage of explosives shall be met.
- d. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- e. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use of such facilities.

L. Specific Standards for Intermediate Manufacturing Activities

1. Specific Standards for Intermediate Manufacturing Activities

A special exception permit shall not be granted unless the standards below are met:

- a. The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

2. Specific Standards for Extensive Manufacturing Activities

A special exception shall not be granted unless the standards below are met:

- a. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- c. State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
- d. The site plan is first approved by the Planning Commission taking into account factors related to the use and operation of the facility.

M. Specific Standards for Adult Oriented Businesses (Added by Ordinance No. 2000-03, Dated May 1, 2000)

A special Exception shall not be granted, unless the standards below are met:

- (1) No adult oriented business, including adult bookstores, massage parlors or other adult businesses as defined, shall be operated or maintained within the city or region within fifteen hundred (1,500) feet, measured from building to building, of a school, day care facility, church, public park or public recreation center, or another adult oriented business.

- (2) No adult oriented business shall be operated or maintained in the city or region within one thousand (1,000) feet, measured from intended building to property line, of a boundary of any residential zone or a lot devoted to residential use.
- (3) All distances shall be measured by a straight line.
- (4) All other zoning requirements contained within this zoning ordinance shall be met.

11-709 Amendments to the Ordinance

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the New Johnsonville Commission. Any member of the City Council may introduce such legislation, or any official, board, or any other person may present a petition to the City Council requesting an amendment or amendments to this ordinance.

No amendment to this ordinance shall become effective unless it is first submitted to the New Johnsonville Planning Commission for review and recommendation. The Planning Commission shall have sixty (60) days within which to submit its recommendation to the City Council. If the Planning Commission disapproves the amendment, it shall require the favorable vote of a majority of the City Council to become effective. If the Planning Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the City Council.

Before finally adopting any such amendment, the City Council shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the city or in a newspaper of general circulation in the city.

A fee of one hundred dollars (\$100.00) due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by New Johnsonville to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

11-709.1 Application for Rezoning

A proposed change of zoning district boundaries shall be initiated by the filings of an application with the New Johnsonville Planning Commission. Said application shall contain:

1. The name and address of the owner and/or owners of the subject property, and the written certification of the authorized agent.
2. A written legal description of the subject property including the County Tax Plat number and acreage.
3. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.

4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.
5. Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information.
 - a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
 - b. Dimensions in feet of property to be rezoned.
 - c. All roads and easements within or adjoining property to be rezoned.
 - d. Location, size, type and current use of any building on the property requested for rezoning.
 - e. Location of the adjoining property owners in relation to the property to be rezoned.
6. A fee of one hundred dollars (\$100.00).

11-710 Penalties

Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as prescribed by the courts. Each day such violations continue shall constitute a separate offense.

11-711 Remedies

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the Zoning Administrator or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

11-712 Validity

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this ordinance as a whole or any other part of this ordinance be judged invalid or unconstitutional.

11-713 Interpretation

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other regulation, the provisions which are more restrictive shall govern.

11-714 Effective Date

This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Certified by the New Johnsonville Municipal-Regional Planning Commission.

October 18, 1999
Date

John B.
Secretary, New Johnsonville Municipal-
Regional Planning Commission

Approved and adopted by the City Council of New Johnsonville, Tennessee.

December 6, 1999
Date

Mayor, New Johnsonville, Tennessee

ATTESTED BY:

Approved as to form and legality

Carolyn Ingram
City Recorder

Charles
City Attorney