2011

CITY OF UNION CITY

in conjunction with the Northwest Tennessee Development District

ZONING ORDINANCE

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CHAPTER 1

MUNICIPAL-REGIONAL PLANNING COMMISSION

SECTION

11-101. Creation and Membership.

11-102. Organization, Powers, Duties, etc.

11-103. Additional Powers.

11-101. Creation and Membership. Pursuant to the provisions of Section 13-4-101 of the Tennessee Code Annotated there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of nine (9) members; two of them shall be the Mayor and a councilman selected by the City Council; the other seven (7) members shall be appointed by the Mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the seven (7) members appointed by the Mayor shall be three (3) years each. The terms of five appointed members, whose terms have been established prior to the adoption of this ordinance, shall continue as they are currently in effect. The terms of initial appointments of the two (2) new members created through the passage of this ordinance shall be four years. The terms of the Mayor and the member selected by the governing body shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor.

11-102. Organization, Powers, Duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Title 13 of the Tennessee Code Annotated.

11-103. Additional Powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commission.

CHAPTER 2

ESTABLISHMENT AND CLASSIFICATION OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

SECTION

11-201. Official Zoning Map.

11-202. Replacement of Official Zoning Map.

11-201. Official Zoning Map. The City of Union City is hereby divided into thirteen zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 201 of Ordinance 2-81 of the City of Union City, Tennessee," together with the date of the adoption of the Ordinance, August 5, 1980.

If, in accordance with the provisions of this Ordinance and Tennessee Code Annotated Section 13-7-203 and 13-7-204, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the City Council, together with an entry on the Official Zoning Map as follows: "On _____, by official action by the City Council, the following change(s) were made in the Official Zoning Map: (brief description of nature of change)", which entry shall be signed by the Mayor and attested by the City Clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on such map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Chapter 12 of this title.

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

11-202. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or

other errors or omissions in the prior Official Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. 2-81 of the City of Union City, Tennessee."

CHAPTER 3

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

SECTION

11-301. Boundaries following streets, highways, or alleys

11-302. Boundaries following platted lot lines.

11-303. Boundaries following city limits.

11-304. Boundaries following railroad lines.

11-305. Boundaries following streams, rivers, and bodies of water.

11-306. Other boundaries; distance.

11-307 Boundary dividing lot.

11-308. Interpretation of boundaries.

11-301. Boundaries following streets, highways, or alleys. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

11-302. Boundaries following platted lot lines. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

11-303. Boundaries following platted lot lines. Boundaries indicated as approximately following city limits shall be construed as following city limits.

11-304. Boundaries following railroad lines. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

11-305. Boundaries following streams, rivers, and bodies of water. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such lines.

11-306. Other boundaries; distance. Boundaries indicated as parallel to or extensions of features indicated in sections 11-301 - 11-305 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

11-307. Boundary dividing lot. Where a district boundary divides a lot, as existing at the time this by-law 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 which is not more than twenty (20) feet within the more restricted district.

11-308. Interpretation of boundaries. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Sections 11-301 through 11-306 above, the Board of Zoning Appeals shall interpret the district boundaries.

CHAPTER 4

APPLICATION OF DISTRICT REGULATIONS

SECTION

11-401. Uniformity of Application.

11-402. Necessity for conformity with ordinance prior to use.

11-403. Necessity for conformity with ordinance prior to erection or alteration.

11-404. Yard requirements not satisfied by other required space.

11-405. Reduction of yard or lot size prohibited.

11-406. Newly annexed territory.

11-401. Uniformity of application. The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

11-402. Necessity for conformity with ordinance prior to use. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

11-403. Necessity for conformity with ordinance prior to erection or alteration. No building or other structure shall hereafter be erected or altered:

A. to exceed the height;
B. to accommodate or house a greater number of families;
C. to occupy a greater percentage of lot area; or
D. to have narrower or smaller rear yards, front yards, side yards, or other open spaces

than herein required; or in any other manner contrary to the provisions of this Ordinance.

11-404. Yard requirements not satisfied by other required space. No part of a yard, or other open space, or off-street parking or loading spaces required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

11-405. Reduction of yard or lot size prohibited. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

11-406. Newly annexed territory. All territory which may hereafter be annexed to the city shall be considered to be zoned R-1 (Low Density Residential) until or unless otherwise classified.

CHAPTER 5

NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMITY STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

SECTION

11-501. Intent.

11-502. Nonconforming lots of record.

11-503. Nonconforming uses of land (or land with minor structures only).

11-504. Nonconforming structures.

11-505. Nonconforming uses of structures or of structures and premises in combination.

11-506. Repairs and maintenance.

11-507. Uses under exception provisions not nonconforming uses.

11-508. Limitations to nonconforming provisions.

11-501. Intent. Within the districts establish by this Ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. Furthermore, there exist lots, structures, and uses of land and structures that have been designated "nonconforming uses" and are prohibited, regulated, or restricted under the terms of the previous zoning ordinance which this Ordinance replaces.

It is the intent of this Ordinance to permit these non-conformities to continue for such periods of time as set forth in this Ordinance. Such uses are declared by this Ordinance to be incompatible with uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming uses of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a

permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

11-502. Nonconforming lots of record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Zoning Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width area below the requirements stated in this Ordinance.

11-503. Nonconforming uses of land (or land with minor structures only). Where at the effective date of adoption or amendment of this Ordinance, a lawful use of land (and other uses where no substantial permanent structures or building is involved) exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use or structure shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B. No such nonconforming use or structure shall be moved in the whole or in part to any other portion of the lot or parcel occupied by such use or structure at the effective date of adoption or amendment of this Ordinance.

C. If any such nonconforming use of land or structure ceases for any reason for a period of more than 120 days (four months), any subsequent use of such land or structure shall conform to the regulations specified by this Ordinance for the district in which such land is located.

11-504. Nonconforming structures. All nonconforming structures shall be subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its fair sales value immediately prior to destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

11-505. Nonconforming uses of structures or of structures and premises in combination. All nonconforming uses of structures or of structures and premises in combination shall be subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

D. Any structure, or structure and land in combination in or on which nonconforming use is superseded by permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

11-506. Repairs and maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the current fair sales value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such officials.

11-507. Uses under special exception provisions not non-conforming uses. Any use which is permitted as a special exception in a district under the terms of this Ordinance (other than a change through Board of Zoning Appeals action from a nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

11-508. Limitations to Nonconforming Provisions. Nothing in this Ordinance shall prohibit the use, expansion or reconstruction of industrial, commercial, or business establishments as provided by the Tennessee Code Annotated, Section 13-7-208.

CHAPTER 6

ADMINISTRATION AND ENFORCEMENT - BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

SECTION

11-601. Administration and Enforcement.

11-602. Building Permits Required.

11-603. Certificate or Zoning Compliance Required for New, Altered, or Nonconforming Uses or Structures.

11-604. Applications for Certificates of Zoning Compliance and Building Permits.

11-605. Expiration of Building Permit.

11-606. Final Inspection.

11-607. Construction and Use to be as provided in Application, Plans, Permits, and Certificates of Zoning Compliance.

11-608. Remedies.

11-601. Administration and Enforcement. The Provisions of this Ordinance shall be administered and enforced by a Building Inspector appointed by the City Council. He may be provided with the assistance of such other persons as the City Council may direct and shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement and administration of this Ordinance.

If the Building inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person, responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of any illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, altered, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

11-602. Building Permits Required. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work. In addition, within F-H (Flood Hazard) Districts, it shall be unlawful to commence any change to improved or unimproved real estate including, but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations, until the Building Inspector has issued a building permit for such work. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order form the Board of Zoning Appeals.

11-603. Certificate of Zoning Compliance Required for New, Altered, or Nonconforming Uses or Structures. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance, provided that a certificate of zoning compliance shall not be required for a change in occupancy only of a residential use.

A No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work. Where zoning compliance depends upon the paving of driveways, loading spaces, parking spaces or areas, or other areas, and provided that all other requirements have been met, a certificate of zoning compliance shall be issued upon the posting of a one (1) year bond equal to the cost of making such improvements in lieu of the actual prior completion of such work, the value of the bond to be determined by the Building Inspector or his designated representative.

B. A temporary certificate of zoning compliance may be issued by the Building Inspector for a period not to exceed six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect safety of the occupants and the public.

C. The Building Inspector shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

D. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable under the general penalty clause of this code.

11-604. Applications for Certificates of Zoning Compliance and Building Permits. The application process for certificates of zoning compliance and building permits consists of two (2) separate steps. These are: (1) request for certificate of zoning compliance and (2) request for building permit. The following two-step process shall be utilized in making application:

A. Step one consists of the completion and submission by the applicant of an application for certificate of zoning compliance to the Building Inspector. A certificate of zoning compliance shall be issued by the Building Inspector within five (5) days if it is found upon inspection that the excavation, building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.
Provided further that where a building permit is required under this Ordinance, an application for certificate of zoning compliance shall be made at the time the application for a building permit is filed.

B. Step two consists of the completion and submission by the applicant of an application for building permit to the Building Inspector. In applying to the Building Inspector for a building permit, the applicant shall submit a sketch plan drawn to a scale showing the following:

1. The shape, location and dimensions of the lot to be built upon; and

2. The shape, size, height and location of all buildings and other structures to be erected, altered, or moved, and of any building or other structure already on the lot.

The applicant shall also state the existing and intended use of the lot and all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate. The applicant shall supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Ordinance and other ordinances of the City of Union City then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.

The issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance or authorizing occupancy or use.

11-605. Expiration of Building Permit. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

11-606. Final Inspection. The holder of every building permit shall notify the building inspector immediately upon completion of the work authorized by such permit for a final inspection.

11-607. Construction and Use to be as Provided in Application, Plans, Permits and Certificates of Zoning Compliance. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

11-608. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of such building, structure or land.

CHAPTER 7

BOARD OF ZONING APPEALS: PROCEDURE AND APPEALS

SECTION

11-701. Establishment of Board of Zoning Appeals.

11-702. Proceedings of the Board of Zoning Appeals.

11-703. Hearings; Appeals; Notice.

11-704. Decisions of the Board of Zoning Appeals.

11-705. Administrative Procedures shall be Utilized; Intent and Limitations.

11-706. Appeals from the Board of Zoning Appeals.

11-701. Establishment of Board of Zoning Appeals. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members, one (1) of which shall be a councilman appointed by the City Council and not more than one (1) of whom may be a member of the Union City Municipal-Regional Planning Commission. The four members appointed from the City at-large shall be appointed by a majority vote of the City Council. The term of the councilman selected by the City Council shall run concurrently with his term of office. The terms of membership for the other four (4) members shall be three (3) years except that the initial term of the one new at-large member shall expire February 7, 1985. Vacancies shall be filled for any unexpired term by appointment by the City Council.

11-702. Proceedings of the Board of Zoning Appeals. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep a record of applications and action thereon, which shall be a public record. Upon appointment and annually the Board of Zoning Appeals shall meet and organize and shall elect its own Chairman who shall serve one year or until his successor duly qualifies. Said Board members shall be paid for their services the sum of five dollars ($5.00) per each special meeting attended.

11-703. Hearings; Appeals; Notice. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the ground thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear in person or by agent or by attorney.

11-704. Decisions of the Board of Zoning Appeals. In exercising its powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse, or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the Building Inspector from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

11-705. Administrative Procedures shall be Utilized; Intent and Limitations. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Building Inspector and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decisions of the Building Inspector and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Ordinance. Under this Ordinance the City Council shall have only the duties of (1) considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, and (2) of establishing a schedule of fees and charges as stated in Chapter 9 of this Title.

11-706. Appeals from the Board of Zoning Appeals. Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State.

CHAPTER 8

THE BOARD OF ZONING APPEALS; POWER AND DUTIES

SECTION

11-801. Administrative Review.

11-802. Special Exceptions - Conditions Governing Applications; Procedures.

11-803. Variances - Conditions Governing Applications; Procedures.

11-804. Approval of Planned Unit Residential Development as Special Exception.

11-805. Approval of new Telecommunications Towers or Telecommunication Equipment on Existing Structures. (Updated per Ordinance 24-00)

11-801. Administrative Review. The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the enforcement of any provision of this Ordinance.

11-802. Special Exceptions - Conditions Governing Application; Procedures. The Board of Zoning Appeals shall have the power to hear and decide only such special exceptions as the Board of Zoning Appeals is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board of Zoning Appeals unless and until:

A. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought, the nature and characteristics of the proposed activity, and stating the grounds on which it is requested.

B. Notice shall be given at least seven (7) days in advance of public hearing. The owner of the property for which a special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be published once in a newspaper of general circulation at least seven (7) days prior to the public hearing, and shall be posted on the property for which the special exception is sought for a period of at least seven (7) days prior to the public hearing.

C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

D. The Board of Zoning Appeals shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception,

and that the granting of the special exception will not adversely affect the public interest.

E. Before any special exception shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning 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 (1) above and the economic, noise, glare or other effects on adjoining properties and properties generally in the district;

3. refuse and service areas, with particular reference to the items in (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 yards and other open space;

8. general compatibility with adjacent properties and other property in the district.

In granting any special exception, the Board of Zoning Appeals may prescribed appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance. The Board of Zoning Appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

11-803. Variances - Conditions Governing Applications; Procedures. The Board of Zoning Appeals shall have the power to authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until:

A. A written application for a variance is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance request will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts.

5. That, in the event the variance requested involves the Floodway of an F-H (Flood Hazard) District, no increase in flood levels during the base flood will result, as certified by a registered professional engineer or architect.

6. That, in the vent the variance requested involves an F-H (Flood Hazard) District, the variance requested will be consistent with the intent and purpose of sound flood plain management, as embodied in the regulations of the F-H (Flood Hazard) District, and will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or cause fraud on or victimization of the public.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Notice of public hearing shall be given as in Section 11-802 above.

C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

D. The Board of Zoning Appeals shall make findings that the requirements of Section 11-803 A. have been met by the applicant for a variance.

E. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

F. The Board of Zoning Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise be detrimental to the public welfare.

In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance including where appropriate, but not limited to, provisions addressing those items identify in Section 11-802 E. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

Under no circumstances shall the Board of Zoning 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.

11-804. Approval of Planned Unit Residential Development As Special Exception. Planned Unit Residential Development (PURD) may be permitted as a special exception, upon approval by the Board of Zoning Appeals, in R-1, R-2, and R-3 residential zones.

A. Purpose. It is the purpose of this section, because of increased urbanization, and in recognition that the technology of land development and the demand for housing are undergoing substantial and rapid changes, and in order to provide for flexibility and variety in the type and layout of residential development incorporating the best features of modern design; and in order to encourage a more efficient use of land, public facilities/services, and energy; and in order to encourage the conservation of open space, to permit the Board of Zoning Appeals to authorize Planned Unit Residential Development (PURD's) as special exceptions, that may deviate from the terms of the zoning ordinance that generally apply but which conform to the spirit of such requirements.

B. Standards and Criteria. Planned Unit Residential Development (PURD) may, upon approval by the Board of Zoning Appeals, deviate from the terms of the Zoning Ordinance that generally apply including, but not limited to regulations controlling lot area, lot width, and yards provided that the following standards and criteria are met.

1. Uses permitted are limited to those uses permitted in the district in which located, provided that special exceptions allowed in said district may be included within the development upon approval by the Board of Zoning Appeals.

2. Density of development shall not exceed the density allowed within the zone in which located.

3. All buildings and structures on the perimeter of the Planned Unit Residential Development (PURD) shall be so located as to comply with the

front, side, or rear yard setbacks of the zone in which located, or the zone that said development abuts, whichever is more restrictive.

4. All buildings or structures shall comply with the front yard requirement of the zone in which located.

5. All buildings or structures shall conform to the height requirement of the zone in which located.

6. Deleted by Ordinance 1-87

7. The minimum lot or parcel size on which the Planned Unit Residential Development (PURD) is proposed to be located shall not be less than two (2) acres.

8. The lot or parcel upon which the Planned Unit Residential Development (PURD) is to be located, or any lot or parcel created from the initial lot or parcel shall have frontage upon a public street.

C. Procedure. The following steps shall be followed:

1. Preapplication Conference. The prospective applicant for a special exception authorizing a Planned Unit Residential Development (PURD) shall notify the Building Inspector by Letter of Intent and shall request a conference with the Building Inspector to discuss the development proposal. The Letter of Intent shall state the location and acreage of the tract or parcel of land involved, the nature of the proposed development including building types, and the proposed density. Upon receipt of the Letter of Intent, the Building Inspector shall schedule a conference with the prospective applicant at a mutually convenient time.

2. Application and Site Plan. Following the pre-application conference application for a special exception authorizing a Planned Unit Residential Development (PURD) may be filed with the Board of Zoning Appeals. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed development, compliance with the standards and criteria set forth in Subsection B. above, and that the granting of the special exception will not adversely affect the public interest as required in Section 11-802 D., the applicant shall submit with the application an accurately and legible drawn site plan, at a scale of not less than one hundred (100) feet to one (1) inch, illustrating the proposed Planned Unit Residential Development (PURD) including, but not limited to, the following:

a. A survey, certified by a registered land surveyor showing property boundary lines and dimension, the gross land area of the site; existing and proposed utilities; and easements, streets and roadways, railroad rights-of-way, and public rights-of-way crossing and adjacent to the subject property;

b. Location, size, and arrangement of proposed buildings and existing buildings which will remain if any, including height in stories and feet, and square feet of ground area coverage of individual buildings; and the type of residential building proposed;

c. Location, dimensions and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;

d. Any proposed regrading of the site and any significant natural, topographical or physical features of the site, including at least, water courses and trees;

e. Existing and proposed surface and subsurface drainage facilities;

f. Location, size, design and arrangement of all outdoor lighting;

g. Landscaping, and the location and height of fences or screen planting and the type or kind of building materials or planting to be used for fencing or screening; and

h. The name, address, and telephone number of the applicant, and owner, if different from the applicant.

The Board of Zoning Appeals may make other reasonable requirements for information when necessary.

3. Planning Commission Review. Upon receiving a properly submitted and prepared application and site plan, the Building Inspector, acting on behalf of the Board of Zoning Appeals, shall refer the application and site plan to the Planning Commission for their review and recommendations. The Planning Commission shall review the site plan of the proposed development and shall make recommendations to the Board of Zoning Appeals, provided that any such recommendations shall be made within a maximum of thirty-five (35) days from the date first reviewed by the Planning Commission.

4. Action by Board of Zoning Appeals. The Board of Zoning Appeals, having received the recommendation of the Planning Commission, or in the event that recommendations are not received from the Planning Commission

within thirty-five (35) days from the date first reviewed by the Planning Commission, shall act upon the request for special exception in accordance with the procedures set forth in Section 11-802 of this Ordinance, and may prescribe appropriate conditions and safeguards as authorized therein.

5. Approval of new Telecommunications Towers or Telecommunication Equipment on Existing Structures (Updated per Ordinance 24-00)

A. Purpose -The purpose of this section is to protect the health and enhance the safety of the residents of the City of Union City by providing provisions relative to controlling the height, number, and light emission of telecommunication towers.

B. Applicability- All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, are not constructed upon or used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.

C. Plan Requirement - Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of a Site Plan Review requirements below:

1. In order to make an accurate determination of the design and compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan at a scale not less than one (1) inch equals one hundred (100) feet, showing all required design elements of the site including, but not necessarily limited to, the following:

(a) A survey plot certified by a registered land surveyor showing land area and all property lines and dimensions, and existing or proposed easements, utilities, right-of-ways, street centerlines, drainage ways and other pertinent physical information on or adjacent to the site;

(b) Topographic contours at two foot intervals, provided that the Board of Zoning Appeals may waive this regulations and all applicable structural standards and, also, describes the towers capacity which includes the number and type of antennas that can be accommodated.

(c) A letter indicating why all existing towers or structures within a two (2) mile radius of the proposed tower cannot be utilized.

(d) The proposed use of buildings and land.

(e) Location and dimensions of all parking spaces, parking drives, sidewalks, and access points to streets.

(f) Any proposed grading of the site and any significant natural, topographical or physical features of the site, including at least water courses and large trees.

(g) Existing and proposed surface and subsurface drainage facilities.

(h) Location, size, design and arrangement of all outdoor signs and lighting:

(i) Landscaping, and the design of any fencing, screening or buffering;

(j) The name, address, and telephone number of the applicant, and owner, and surveyor or engineer responsible for the preparation of the site plan.

The Board of Zoning Appeals, upon referral, may make other requirements for information when necessary for the proper review and judgement of the site plan.

Upon referral and first consideration at a scheduled meeting, the Board of Zoning Appeals shall act upon any application within thirty-five (35) days from the date of the first meeting at which a complete and properly prepared site plan is presented. Failure to act within these time periods shall constitute approval of the site plan, unless an extension is agreed to by the applicant. When a site plan is denied, the reasons for such action shall be stated in writing to the applicant. When a site plan is approved upon referral to the Board of Zoning Appeals, and such approval is conditioned upon specific revisions or addition of design elements, the conditions shall be stated in writing to the applicant and entered in the official records and minutes of the Board of Zoning Appeals.

2. All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structures and the location of future antenna arrays and accessory structures.

3. Attached Documentation. These letters are required to be submitted with the site plan.

(a) A letter of intent from the owner allowing for the shared use of the tower.

(b) A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

(c) A letter indicating why all existing towers or structures within a two (2) mile radius of the proposed tower cannot be utilized.

D. Prohibited Uses - All telecommunications towers that exceed a height of 20 feet and any tower that is not specifically permitted as a use permitted or permitted on appeal the City of Union City shall be specifically prohibited.

E. Accessory Uses and Structures

1. A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any district in the City of Union City. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allow for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

2. Each antenna array may have an accessory structure. Accessory buildings or structures at the base of the power line structure or water tower shall not exceed a maximum of 20 feet by 20. Accessory buildings or structures shall not exceed one story.

F. Structural Requirements

1. All new telecommunications towers not on an existing utility structure within the City of Union City shall be designed to accommodate a minimum of three (3) antenna arrays.

2. All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of 2 antenna arrays.

3. All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 miles per hour with half an inch radial ice.

G. Setbacks

1. All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 60 percent of the tower height or the district yard requirements, whichever is greater.

2. In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district shall be 100 percent of the tower height plus ten (10) feet.

H. Co-Use of Utility Structures - The co-use of existing utility structures on the City of Union City shall be encouraged on existing power line structures, towers, or exceeding 30 feet in height and water towers.

I. Height

1. No tower shall exceed a height of 200 feet. In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds 30 feet or an existing water tower, the maximum height shall not exceed the height of the structure plus fifteen (15) feet.
2. In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower, the maximum tower height shall not exceed the height of the structure plus ten (10) feet.

J. Shared Use - The shared use of new telecommunications towers within the City of Union City shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers or existing structures within a two mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons.

1. The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.

2. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.

3. The planned equipment would not function effectively and reasonably on an existing tower or utility structure.

4. Geographic service requirements would prevent the co-use of an existing tower or utility structure.

K. Security - All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of 8 feet or the height of the accessory structures, whichever is greater.

L. Landscaping - All freestanding towers and utility structures shall have a 4-foot wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of 8 feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.

M. Vehicle Access/Parking

1. The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission in accordance with access control regulations within this ordinance.

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

N. Lighting

1. Towers: No artificially lighted tower shall be permitted in the City of Union City. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

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

O. Removal of Obsolete Towers

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

CHAPTER 9

SCHEDULE OF FEES, CHARGES, AND EXPENSES

SECTION

11-901. Establishment Hereby.

11-902. Payment Prior to Permit Issuance.

11-903. Schedule of Fees.

11-901. Establishment Hereby. The City Council hereby establishes a schedule of fees, charges, and expenses, and a collection procedure, for building permits, certificates of zoning compliance, appeals, other matters pertaining to this Ordinance as set out in this chapter. The schedule of fees listed shall be posted in the office of the Building Inspector, and may be altered, or amended only by the City Council.

11-902. Payment Prior to Permit Issuance. No permit, certificate, special exception, or variance shall be issued unless or until such costs, charges, fees or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Board of Zoning Appeals unless or until preliminary charges and fees have been paid in full.

11-903. Schedule of Fees. The Mayor and Councilmen shall establish, from time to time by resolution, a schedule of fees to cover the cost of processing applications, permits, notices, plan reviews and hearings provided for herein.

CHAPTER 10

AMENDMENTS

SECTION

11-1001. Procedure.

11-1002. Approval of Planning Commission.

11-1001. Procedure. Such regulations, restrictions, and boundaries as are provided for in this Ordinance may be amended, supplemented, changed, modified or repealed. A public hearing shall be held by the City Council before adoption of any proposed amendment, supplement or change, at least fifteen notice of the time and place of which shall be published in a newspaper of general circulation.

11-1002. Approval of Planning Commission. No amendment shall become effective unless it is first submitted to and approved by the Planning Commission, or if disapproved shall receive a majority vote of the entire membership of the City Council (15) days.

CHAPTER 11

MISCELLANEOUS PROVISIONS

SECTION

11-1101. Provisions of Ordinance Declared to be Minimum Requirements.

11-1102. Complaints Regarding Violations.

11-1103. Separability Clause.

11-1104. Repeal of Prior Ordinance.

11-1101. Provisions of Ordinance Declared to be Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held to minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restriction or covenants, the most restrictive or that imposing the higher standards, shall govern.

11-1102. Complaints Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Building Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

11-1103. Separability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

11-1104. Repeal of Prior Ordinance. The prior Zoning Ordinance of the City of Union City, Tennessee, the same being Ordinance No. 29 adopted February 5, 1963, as amended, is hereby repealed.

CHAPTER 12

PENALTIES FOR VIOLATION

SECTION

11-1201. Violation Constitutes Misdemeanor; Fines.

11-1202. Liability.

11-1203. Additional Action Authorized.

11-1201. Violation Constitutes Misdemeanor; Fines. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined under the general penalty clause of this code. Each day such violation continues shall be considered a separate offense.

11-1202. Liability. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

11-1203. Additional Action Authorized. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 13

DEFINITIONS

SECTION

11-1301. Interpretation.
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11-1303. Adult Oriented Business
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11-1358. Tiny House (Added per Ordinance 189-18)
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11-1360. Recreational Vehicle (RV) (Added per Ordinance 204-19)
11-1361. Recreational Vehicle (RV) Park (Added per Ordinance 204-19)

11-1301. Interpretation. For the purposes of this Ordinance certain terms or words used herein shall be 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, the work "may" is permissive.

D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

E. The word "lot" includes the words "plat or parcel."

11-1302. Accessory Use, Building, or Structure. A use, building, or structure on the same lot with, and of nature customarily incidental and subordinate to, the principal use or structure. Examples of such accessory uses, buildings, or structures include garages, swimming pools, and satellite antennas. For the purpose of this Ordinance, the phrases "accessory uses", "accessory buildings", and "accessory structures" may be used interchangeably so that "accessory use" may include "accessory building" or "accessory structure", "accessory building" may include "accessory use" or "accessory structure", and "accessory structure" may include "accessory use" or "accessory building".

11-1303. Adult Oriented Businesses: A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, houses of prostitution, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices as well as nude or semi-nude dancing and massages. The following are further definitions of specific adult oriented businesses and related terms:

A. Adult Entertainment Establishments

1. Adult Arcade means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

2. Adult Bookstore means an establishment which has as any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

(a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the

depiction or description of "specified sexual activities" or "specified anatomical areas; or

(b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

3. Adult Cabaret means a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

4. Adult Motel means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

5. Adult Motion Picture Theater means a establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

6. Adult Theater means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

7. Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

8. Sexual encounter establishment means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with “specified sexual activities” or the exposure of “specified anatomical areas.” This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

B. Specified Anatomical Areas means any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the aureole; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. Specified Sexual Activities means any of the following:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;

4. Flagellation or torture in the context of a sexual relationship;

5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

6. Erotic touching, fondling or other such contact with an animal by a human being; or

7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "1" through "6" above.

11-1304. Base Flood (or One (1) Hundred Year Flood). The flood having a one (1) percent chance of being equaled and or in any given year as determined by the Flood Insurance Study, City of Union City, Tennessee, prepared by the Federal Emergency management Agency, Federal Insurance Administration, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and all subsequent revisions thereto, which are hereby adopted by reference and made a part of this Ordinance.

11-1305. Building (or Structure). Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, whether stationary or movable, and shall include, but not be limited to tents, lunch wagons, dining cars, mobile homes, signs and billboards, walls, and fences.

11-1306. Building Line (Setback Line). A line beyond which a building cannot extend under the terms of this Ordinance.

11-1307. Building, Principal. A building in which is conducted the principal use of the lot on which it is located.

11-1308. Club or Lodge. A building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purpose of members regularly paying dues, but not primarily for profit nor to render service which is customarily carried on as a business and which is not a country club.

11-1309. Country Club. A private club for members, their families and invited guests, for the purpose of social and recreational activities.

11-1310. Day Care Center. A facility operated by a person, society, agency, corporation, institution, or group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day, without transfer of custody.

11-1311. Day Care Home, Group. A facility operated by a person, social agency, corporation or institution or any other group which receives from eight (8) to twelve (12) children under 17 years of age less than 24 hours per day for care outside their own homes, without transfer of custody.

13-1312. Day Care Home, Family. A facility operated by any person who receives pay for providing less than twenty-four (24) hour supervision and care, without transfer of custody, for 5, 6 and 7 children under 17 years of age who are not related to the operator and who parents or guardians are not residents of the household. A home providing care for fewer than five (5) children will not be regulated by this Ordinance.

11-1313. Dwelling. A building or portion thereof designed or used, in whole or in part, for human habitation, either continuously, permanently or temporarily, but not including boarding or room houses, hotels, motels; hospitals, or other accommodations for transient residence.

11-1314. Dwelling, Duplex (two family). A detached residential building containing two dwelling units, designed for occupancy by not more than two (2) families.

11-1315. A. Dwelling, Mobile Home. For the purpose of flood plain management in the flood hazard zone, a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management proposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

B. Dwelling, Mobile Home. A structure transportable in one or more sections, which is eight (8) body feet (2.4 meters) or more in width and is thirty-two (32) body feet (9.75 meters) or more in length, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

13-1316. Dwelling, Multi-family. A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided, but not including townhouses.

11-1317. Dwelling, Single-family. A detached residential dwelling unit other than a mobile home, designed for or occupied by one family only.

11-1318. Dwelling, Townhouse. An attached residential dwelling unit designed for occupancy by one (1) family constructed in a row of three (3) to eight (8) such dwelling units, each dwelling unit being separated from the adjoining dwelling units in each story by adjoining fire resistant walls without openings extending at least from the lowest floor level through the roof, and each dwelling unit having independent access to the exterior in the ground story. For the purpose of this Ordinance, a townhouse dwelling shall not be considered a single-family dwelling or a multi-family dwelling.

11-1319. Dwelling Unit. One room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, dining, and sleeping facilities, provided that specially designed elderly and handicapped housekeeping units shall be included in this definition where appropriate congregate cooking and dining facilities are provided in place of separate cooking and dining facilities.

11-1320. Family. One or more persons occupying a single dwelling unit and using common cooking facilities, provided that unless all members are related by blood or marriage no such family shall contain over five persons.

11-1321. Flood or Flooding. A general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the usual and rapid accumulation or runoff of surface waters from any source.

11-1322. Floodway. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

11-1323. Floodway Fringe. Areas lying outside the floodway, but within the base flood.

11-1324. Floor. Any portion of a structure usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof.

A. Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access 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.

11-1325. Home Occupation. An accessory use of a dwelling unit carried out for purposes of gainful employment.

11-1326. Lot. For zoning purposes, as covered by this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street and may consist of:

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record, of complete lots of record and portions of lots of record, and portions of lots of record;

D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

11-1327. Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under "yards" in this Section.

11-1328. Lot of Record. A lot which is part of a subdivision recorded in the office of the County Register, or lot or parcel described by metes and bounds, the description of which has been so recorded.

11-1329. Lot Types. The diagram which follows (Figure 1) illustrates terminology used in this Ordinance with reference to "corner" lots, “interior" lots, "reversed frontage" lots and "through" lots.

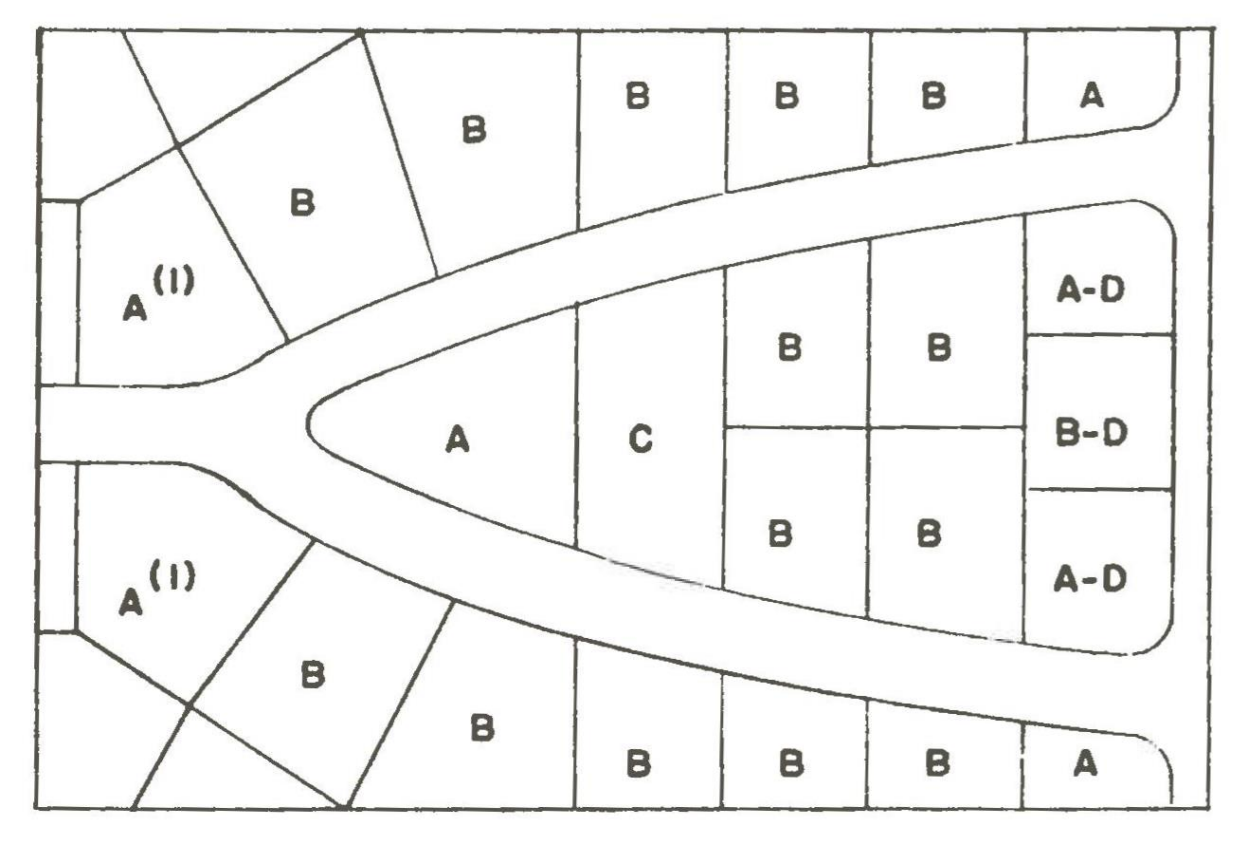


Figure 1

In the diagram A = "corner" lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot line to the foremost point of the lot meet at an interior angle of less than 135 degrees. Such lots marked A (1) in the diagram.

B = "interior" lot, defined as a lot other than a corner lot with only one frontage on a street.

C = "through" lot, defined as a lot other than a corner lot with frontage on more than one street. Thorough lots with frontage on two streets may be referred to as "double frontage" lots.

D = "reversed frontage" lot, defined as a lot on which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot (A-D) in the diagram), an interior lot (B-D) or a through lot (C-D).

11-1330. A. Manufactured Home Park or Subdivision. For the purpose of flood plain management in the Flood Hazard zone, a parcel of contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

B. Mobile Home Park or Subdivision. A parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale.

11-1331. Non-Conforming Structure. A structure which was lawfully constructed prior to enactment or amendment of this Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.

11-1332. Non-Conforming Use of Land. A use of land lawful at the time of the enactment of this Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.

11-1333. Non-Conforming Use of Structure. Any use of a structure lawful at the time of the enactment of this Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.

11-1334. Parking Space, Off-Street. For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides and for maneuvering incidental to parking and unparking together with properly related access to a public street or alley. Parking spaces shall be so designed, maintained, and regulated that no parking shall be on any public street, walk, or alley, and so that any automobile may be parked or unparked without moving another. An off-street parking space shall comprise not less than one hundred seventy-five and one half (175.5) square feet, excluding necessary maneuvering area.

11-1335. Planned Unit Residential Development (PURD). An area consisting of a minimum of five (5) contiguous acres under unified control, to be developed as a single entity in accordance with a unitary site plan, for residential purposes.

11-1336. School, Private. The basic administrative unit of a private school system or program consisting of pupils of one or more grade groups, one or more teachers to give instructions of a defined type or types, one plant, and one principal, which school is not directly supported by federal, state or local tax monies.

11-1337. School, Public. The basic administrative unit of a state, county, city or special district schools system, consisting of pupils of one or more grade groups, one or more teachers to give instruction of a defined type or types, one plant, and one principal, which school shall be subject to the Statutes of the State of Tennessee, and to rules, regulations and minimum standards of the Tennessee State Board of Education.

11-1338. Sign. Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in this definition for the purposes of application of the regulations herein.

A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

B. Flags and insignias of any government except when displayed in connection with commercial promotion;

C. Legal notices; identification, information, or directional signs erected or required by governmental bodies;

D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, and moving lights; and

E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, provided that applicable height, visibility, and setback requirements are met, except as required by Section 11-1405.

11-1339. Signs, Number and Surface Area and duration of. For the purpose of determining number of signs, a sign is a single display surface or a single display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element is considered to be a sign.

The surface area of a sign includes the entire surface area within a regular geometric form or combinations of geometric forms comprising all of the display area of the sign, including all of the elements of the matter displayed. Only one side of a two sided sign having display areas back-to-back constitutes the surface area of a sign for the purpose of these regulations, with the larger of the surface areas of the two sides being considered for regulatory purposes of maximum area.

Temporary sign is any sign which is permitted to stand for less than one year or which is permitted to stand only for the duration of a specific event or activity.

11-1340. Sign, On-Site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. The following are distinct types of on-site signs for regulatory purposes:

Free Standing Sign. A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is six feet or more above grade.

Ground Sign. A sign that is permanently mounted or anchored to the ground and of a height no greater than six feet including any structural elements.

Wall or Fascia Sign. A sign fastened to or painted on the wall of a principal building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than 12 inches from such building or structure. The total area of a wall or fascia sign is defined by a boundary composed of the upper edge of the top line of any sign element, the bottom edge of the bottom line of any sign element, and the two outside edges of the side lines of any sign element, or the total perimeter formed by connecting the farthest projections of an irregular sign element. A sign element is either a sign border, a letter or letters, a word or words, a phrase, a sentence, or a figure. For defining area boundary, a sign border takes precedence over interior elements, a sentence takes precedence over individual word or phrase elements, a phrase takes precedence over word elements, and a word takes precedence over

individual letter elements. If there are multiple areas that can reasonably be considered as separate, the sign area is the sum of separate areas computed individually.

Temporary Sign. A sign as defined under Section 11-1338.

11-1341. Sign, Off-Site. A sign that advertises goods, products, services or facilities or activities which are not located on the parcel containing the sign, or that directs persons to a location different from the parcel containing the sign. The following are distinct types of off-site signs for regulatory purposes:

identification and directory sign - an off-site sign which identifies generally an integrally planned industrial and/or business development area and contains a list or directory of names of industries and/or businesses which are located within the integrally planned development area.

billboard - an off-site sign which has a surface area greater than twenty-four (24) square feet but less than or equal to three hundred (300) square feet, excluding identification and directory signs as defined above;

bench sign - an off-site sign of no greater than twelve (12) square feet in area which is attached to a bench;

sign in public recreational areas - a temporary off-site sign of no greater than twenty-four (24) square feet which is attached to outfield fences of baseball or softball field in public recreational areas.

11-1342. Special Exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this Zoning Ordinance. Planned Unit Residential Development shall be considered as a special exception where provided for in this Ordinance.

11-1343. Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

11-1344. Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof.

11-1345. Story, Half. A story under a sloping roof, the finished floor area of which does not exceed one half the floor area of the floor immediately below it; or a basement thus used not exceeding fifty percent (50%) of the floor area of the floor immediately above.

11-1346. Street. Any public or private way set aside for public travel thirty (30) feet or more in width. The word "street" shall include but not be limited to the words "road", "highway", and "thoroughfare".

A. Street Line. The right-of-way line of a street. Where sidewalks exist, the side of the sidewalk furthest from the traveled street shall be considered as the street line.

B. Center Line of a Street. The center of the roadway or the surveyed center line of the street.

11-1347. Substantial Improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure, before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however include either of the following:

A. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

B. any alteration of an historical structure officially designated by a governmental entity, provided that the alteration will not preclude the structure's continued designation as a historic structure.

11-1348. Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining division or district.

11-1349. Warehousing. The storage of wares and commodities or merchandise either as part of a permitted business or as a separate permitted use as set forth in this Ordinance.

A. Personal Mini-Storage or Mini-Warehousing. Storage or warehousing as a personal service which serves the general public with individual storage places. This use is not to be equated with storage or warehousing associated with commercial or industrial uses or carrier warehousing.

11-1350. Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

A. Yard, Front. A yard extending along the full length of the front lot line to a depth established by the line on which the nearest side of the principal building lies.

The required front yard is that portion of the front yard that extends along the full length of the front lot line for a depth to the front building (setback) line.

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet.

In the case of through lots, unless the predominately prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not keeping with the predominately prevailing yard pattern, the Building Inspector may substitute a front yard requirement which shall not exceed the average of the yards provided on adjoining lots.

In the case of corner lots, reverse frontage corner lots and corner lots with more than two frontages, a front yard of the required depth shall be provided on all frontages, provided however that where the predominately prevailing yard pattern indicates otherwise, the Building Inspector shall determine the front yard requirements, subject to the following limitations:

1. At least one front yard shall be provided having the full depth required generally in the district:

2. No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

B. Yard, Rear. A yard extending along the full length of the rear lot line to a depth established by the line on which the nearest side of the principal building lies.

The required rear yard is that portion of the rear yard that extends along the full length of the rear lot line for a depth to the rear building setback line. In the case of through and corner lots, there will be no rear yards.

C. Yard, Side. A yard extending along a side lot line from the required front yard (or from the front lot line, if no front yard is required) to the required rear yard (or to the rear lot line, if no rear yard is required); to a width established by the line in which the nearest side of the principal building lies.

The required side yard is that portion of the side yard that extends along the side lot line for a width to the side building (set-back) line.

In the case of a corner of through lot, any yard which is not a front yard shall be considered a side yard.

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

11-1351. Recreational Vehicle. A vehicle which is:

A. built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

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

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

11-1352 Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

11-1353. Retaining Wall. Any wall holding back or retaining earth, either cut or fill earth, such wall being no greater in height than six (6) inches above the grade of the earth held back or retained.

11-1354. Yard Sale/Garage Sale. Yard Sale/Garage Sale – A temporary sale of used household belongings, typically held outdoors at the home of the seller. Such a use shall be considered accessory to residential uses, so long as no more than three (3) such sales are conducted during any twelve (12) month period and so long as any one sale does not extend for more than a two (2) day period. Such sales held more than (3) times annually, extending in excess of two (2) consecutive days, or being utilized to sell non-household belongings shall be considered a commercial enterprise.

11-1355. Lifestyle Center. An Open-air retail center characterized by a main-street style ambiance (to include aesthetically pleasing architecture and landscaping) and a tenant mix of entertainment and higher-end retailers. Such developments are generally close in proximity to and feature pedestrian access to residential areas. (Added per Ordinance 136-14)

11-1356. Open Air Outlet Mall. A large building or series of, non-enclosed, connected buildings containing a variety of retail stores (generally selling surplus stock) and typically also restaurants. (Added per Ordinance 136-14)

11-1357. Strip Mall. An open-air shopping center where the stores are arranged in a row, with a sidewalk in front. These are typically developed as a unit and have large parking lots in front. They face major traffic arterials and tend to be self-contained with few pedestrian connections to surrounding neighborhoods. (Added per Ordinance 136-14)

11-1358. Tiny House. A principal residential structure which contains less than 900 square feet of heated living space and is designed to be used as a dwelling. Such residential structures (under 900 square feet in size) shall not be fashioned from previously purposed structures, such as storage containers, grain bins, water tanks, train boxcars, or other similar structures. For the purpose of these regulations the term "tiny house" does not include the terms "mobile home" or "manufactured home". Tiny houses shall be site built only. Pre-Manufactured structures such as sheds shall not be used. (Revised per Ordinance 215-20)

11-1359. Residential Transient Rental Unit**.** A lodging establishment, located within a residential zoning district in which dwellings (or portions thereof), or dwelling units are rented for periods of less than 31 consecutive days. This term shall include what are commonly referred to as "Bed and Breakfasts," "Short Term Vacation Rentals," and "Air BNBs." (Added per Ordinance 200-19)

11-1360. Recreational Vehicle (RV). A motor vehicle or trailer which includes living quarters for temporary accommodation. For the purposes of this ordinance, types of recreational vehicles include motorhomes, campervans, travel trailers, fifth wheel trailers, popup campers and truck campers. (Added per Ordinance 204-19)

11-1361. Recreational Vehicle (RV) Park**.** A place where two or more recreational vehicles are allowed to stay on a temporary basis in allotted spaces. (Added per Ordinance 204-19)

CHAPTER 14

DISTRICT REGULATIONS - GENERAL

SECTION

11-1401. General Provisions.

11-1402. Erection of More Than One Principal Building on a Lot.

11-1403. Off-Street Parking and Loading.

11-1404. Street Access. (Revised per Ordinance 120-13)

11-1405. Signs. (Revised per Ordinance 114-13)

11-1406. Visibility at Street Intersections - Vision Triangle.

11-1407. Fences, Walls and Hedges.

11-1408. Dwelling Lot Must Abut Public Street.

11-1409. Placement of Accessory Uses, Buildings, and Structures in Zoning District.

11-1410. Screening.

11-1411 Manufactured Residential Dwellings.

11-1412 Adult Oriented Business.

11-1413 Tiny Houses. (Added per Ordinance 189-18)

11-1414 Front Porch or Front Deck Additions. (Added per Ordinance 214-20)

11-1401. General Provisions. For the purpose of this Ordinance, there shall be certain general provisions which shall apply to the city as a whole as follows:

11-1402. Erection of More Than One Principal Building on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. However, in any residential district, the lot area requirement for a church and a school owned and operated by the church, both of which are located on the same lot, shall be the greater of the individual lot area requirements for either the church or the school.

11-1403. Off-Street Parking and Loading. No land shall be used or occupied and no structure shall be erected or used unless the off-street parking and loading spaces required herein are provided.

A. Existing, New, Changed, and Expanded Uses:

1. No building, structure or use lawfully established prior to the effective date of this Ordinance shall be required to comply with the provisions of this Section except as hereinafter provided.

2. All buildings and structures erected and uses established after the effective date of this Ordinance shall comply with the provisions of this Section, provided, however, that if a building permit was issued prior to the effective date of this Ordinance and construction is begun within one (1) year of the date of such permit, the parking and loading regulations in effect on the date such permit was issued shall apply.

3. If the intensity of use of any building, structure or use is increased by the addition of dwelling units, gross floor area, seating capacity or any other measure of increased intensity, the provision of this Section shall only apply to the extent of such increase in intensity of use.

4. If the existing use of a building or structure shall be changed to a new use, such new use shall comply with the provisions of this Section; provided, however, that if the existing use is located in a building or structure existing on the effective date of this Section, additional parking and loading requirements shall be required only in the amount by which the requirements for the new use exceed the amount required for the existing use if such existing use were subject to the provisions of this Section.

B. B-3 (Central Business) District.

The provisions of this Section shall not apply to any building, structure or use located in the B-3 (Central Business) District, except dwellings, provided however, that if off-street parking and loading are provided they shall comply with the design and construction standards set forth in Subsections G. and I.

C. Off-Street Parking - Regulations of General Applicability (Location).

The off-street parking spaces required by this Section shall be located as provided in this subsection. Where a distance is specified, such distance shall be measured from the nearest point of the building, structure or uses served by such parking lot.

1. Single-family and duplex-dwellings - Required parking spaces shall be located on the same lot.

2. Multi-family and townhouse dwellings, and non-residential uses - Required parking spaces shall be located on the same lot or on land within three hundred (300) feet of the building, or use served; provided that such off-site parking complies with the following requirements:

   (a) Such off-site parking spaces are located within a zoning district which would permit the use for which such parking is required.

   (b) Such off-site parking spaces are in the same ownership as the use served or if not in the same ownership, the Building Inspector determines that such off-site parking spaces are reasonably likely to remain available for use during the life of the use to be served. The owner of the use requesting the use of off-site parking requirements shall submit legal instruments to the Building Inspector to enable him to determine the length of time the owner may use such off-street parking spaces.

D. Prohibition on Using Parking Spaces for Another Use:

Required parking spaces associated with a permitted use shall not be reduced or encroached upon in any manner unless a change in the parking requirements of the associated permitted use occurs to permit a corresponding change in the area of the associated parking area.

E. Parking Spaces Reserved for Associated Structure or Use:

No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this section shall be included as a part of an off-street parking area similarly required for another building or use.

F. Joint Use of Required Parking Spaces:

The joint use of required parking spaces is permitted provided that the total number of parking spaces available is equal to the combined number of parking spaces required for such use, and provided that the location requirements of this Ordinance are met. Persons proposing the joint use of required off-street parking spaces shall file a joint written request with the Building Inspector providing the following information.

1. The names, addresses, and telephone numbers of the applicants;

2. The ownership and location of the off-street parking spaces proposed to be jointly used;

3. The uses that will jointly use the required off-street parking spaces, the number of required parking spaces for each such use and the number of parking spaces proposed to be jointly used; and

4. Any other information required by the Building Inspector to make a determination of compliance with this Ordinance.

G. Design and Construction of Off-Street Parking Spaces:

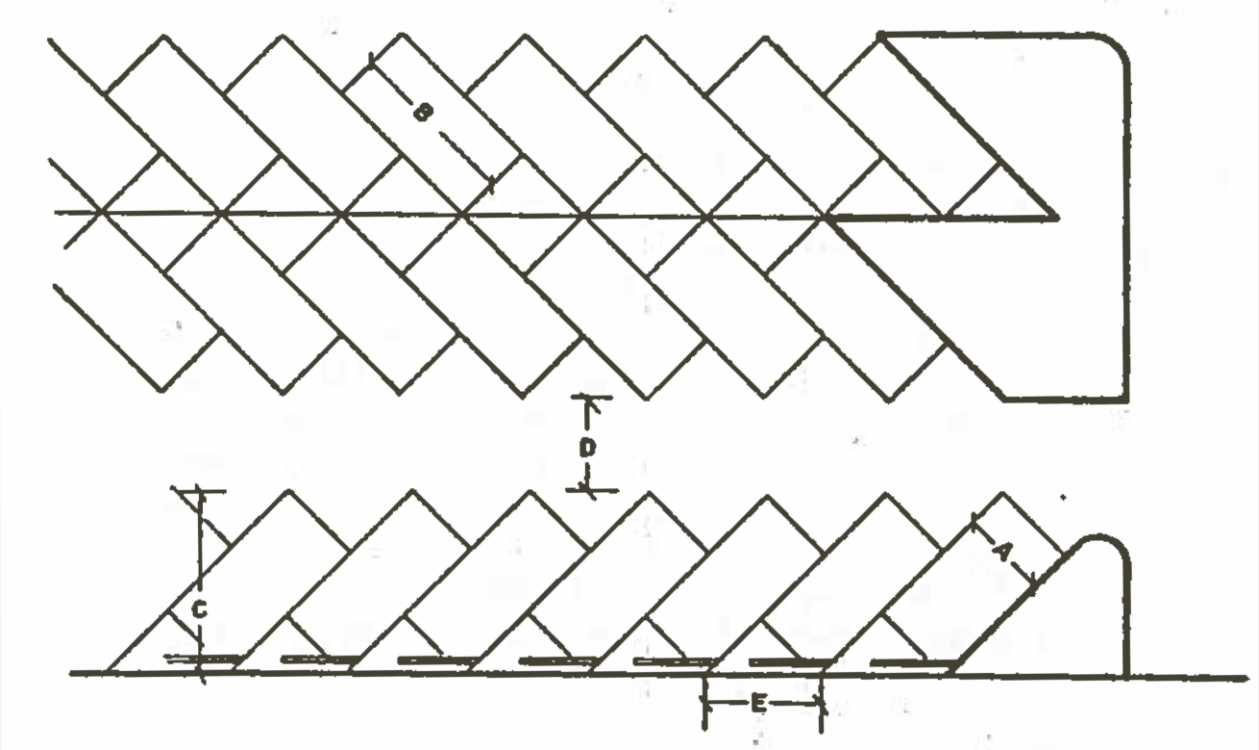
Each off-street parking space shall contain a minimum of one hundred seventy-five and one-half (175.5) square feet of area. Driveways may be considered in the computation of required parking for single-family dwellings.

1. Required off-street parking of five (5) or more spaces shall have individual spaces marked and each space shall be a minimum of nine (9) feet in width and nineteen and one-half (19.5) feet in length.

2. The design of parking spaces and aisles located within the parking lot are set forth in Figure 3. The applicant for permits and approvals required by this Ordinance shall choose any of one of the parking angles for such spaces as are indicated by Figure 3. The regulations opposite such parking angle shall apply to the development of the parking lot.

See Figure 3 on next page

Figure 3



NOTE: Illustration depicts 45° parking angle.

Angle	A	B	C	D	E
0 Degrees	9'	19.5'	9.5'	12'	23'
30 Degrees	9'	19.5'	17.5'	11'	18'
45 Degrees	9'	19.5'	20.0'	13'	12' 9"
60 Degrees	9'	19.5'	21.0'	18'	10' 6"
90 Degrees	9'	19.5'	19.5'	24'	9'

A. Stall Width
B. Stall Length
C. Stall Depth
D. Aisle Width
E. Curb Length Per Car

3. Off-street parking of more than five spaces shall be surfaced with asphalt or concrete and constructed to provide for adequate drainage, subject to approval by the Building Inspector or his designated representative.

   Traffic lanes within parking areas shall have an underlying compacted mineral aggregate base, a minimum of 6 (six) inches in depth, to be composed of Camden Chert or dense grade limestone. For the purposes of this ordinance, "traffic lanes" shall be considered defined ways, designated (most commonly by painted lines) for the movement of vehicular traffic and shall not include designated parking spaces. (Revised per Ordinance 213-20)

4. If a parking lot abuts a street right-of-way or any screening required by Subsection G. 5, continuous curbing or individual wheel stops shall be provided along the perimeter of that portion of the parking lot which abuts such street right-of-way or screening.

5. Screening shall be provided along each lot line of a parking lot which abuts or is adjacent to a residentially zoned lot. Such screening shall consist of a solid wall, barrier or fence of at least six (6) feet in height or a densely planted landscaped strip of at least four (4) feet in width planted with evergreen trees or shrubs of at least four (4) feet in height when planted and which can be expected to reach at least six (6) feet in height within three (3) years thereafter. Such screening shall be maintained in good condition at all times and shall not be placed within fifteen feet of any entrance to or exit from such parking lot. On corner lots, screening shall be provided as required by this subsection except that no screening of more than three (3) feet in height shall be located in the vision triangle as required by Section 11-1406.

6. Any lighting used to illuminate off-street parking lots shall be so arranged to prevent direct glare onto any public or private property or streets.

H. Off-Street Parking Space Requirements:

The number of required parking spaces for specified uses shall be as follows:

1. Dwellings:

   (a) Single-family, duplexes or two-family, townhouse. Two (2) spaces for each dwelling unit with two (2) or less bedrooms; three (3) spaces for each dwelling unit with three (3) or more bedrooms.

   (b) Multi-family. One and one-half (1.5) spaces for each dwelling unit with not more than one (1) bedroom; two (2) spaces for each dwelling unit with two or more bedrooms.

2. Institutional:

(a) Hospitals, Sanitariums, Short-term Care Facilities. One and one-half (1.5) spaces per bed.

(b) Day Care Facilities. One (1) space for each three-hundred (300) square feet of gross floor area or five (5) spaces whichever is greater plus one and one-half (1.5) spaces for each two (2) employees computed on the largest shift.

(c) Nursing Homes, Convalescent Homes and Similar Institutional Uses. Two (2) spaces for each three (3) beds.

(d) Places of Assembly, Including Churches and School Auditoriums. One space for each five seats provided in such place of assembly.

(e) Schools. One space for each classroom plus one space for each two employees or staff member other than teachers. This provision is not applicable where parking space required for an auditorium is provided.

3. Commercial:

(a) Clinic or Medical Office. Three (3) spaces for each physician, dentist, optometrist or other practitioner, plus two (2) for each three (3) employees, but not less than one (1) additional space.

(b) Banks, Business, Professional and Other Office Use. One (1) space per three hundred (300) square feet of usable floor area plus one (1) space per each three (3) employees.

(c) Hotels, Motels, Tourist Courts, and Similar Establishments for Transient Residents. One (1) space for each guest unit plus one space for each dwelling unit for permanent occupancy.

(d) Funeral Homes. One space for each company vehicle plus one space for each three seats in chapel or meeting rooms.

(d) Retail Business and Service Establishment except Eating and Drinking Establishments. Required parking for uses in these categories shall be as follows:

(i) In all permissible zones except P-B and P-M:

Gross Floor Area (excluding basement storage area)	Minimum Required Parking Area (including driveways)
0 - 5,000 sq. ft.	At least equal to the gross floor area
5,000 - 10,000 sq. ft.	At least equal to twice the gross floor area
Over - 10,000 sq. ft.	At least equal to three times the gross floor area

(ii) In P-B and P-M zoning districts: A minimum if five and one-half (5.5) parking spaces per 1,000 square feet of gross floor area shall be provided.

(f) Restaurants, Taverns, Lounges, and Similar Establishments Serving Food and Beverages Other than Drive-In or Carry-out Restaurants. One (1) space for each one hundred (100) square feet of floor area devoted to patron use or one (1) space for every three (3) seats provided for patron use whichever is greater.

(g) Drive-In or Carry-Out Restaurants. One (1) space for every one hundred (100) square feet of gross floor area or one (1) space for every three (3) seats provided for patron, use, whichever is greater.

(h) Commercial Recreation. One (1) space for each three (3) seats provided for patron use or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater.

4. Industrial and Other:

(a) Wholesale and Commercial Establishment Not Catering Retail Trade. One space for each two employees computed on the largest shift or five (5) spaces, whichever is greater, plus one (1) space for each company vehicle.

(b) Manufacturing and Industrial Use. One and one-half (1.5) spaces for each two (2) employees computed on the largest shift, plus one (1) space for each company vehicle.

I. Off-Street Loading - Regulations of General Applicability:

Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in a required front yard. Each required loading space shall be designated as such and shall only be used for loading purposes.

1. In the computation of the number and length of required loading spaces, floor area shall be deemed to include the gross floor area of the floor devoted to a particular use and any use incidental thereto.

2. If a building is devoted to more than one use, the number and length of loading spaces required shall be computed separately on the basis of the floor area occupied for each such use.

3. Required loading spaces associated with a permitted use shall not be reduced or encroached upon in any manner unless a change in loading requirements occurs, and no part of off-street loading space required for any building or use shall be included as a part of an off-street loading space required for another building or use.

4. Design and Construction

   (a) Required off-street loading spaces shall not be less than twelve (12) feet in width and shall have an unobstructed vertical clearance of not less than fourteen (14) feet. The minimum length of loading spaces shall be fifty (50) feet.

   (b) If a loading space or maneuvering area related thereto abuts or is located within 50 feet of residentially zoned property such loading space or maneuvering area shall be screened from the view of such residential uses by a solid wall, barrier or fence of at least six (6) feet in height or a densely planted landscape screen consisting of evergreen shrubs or trees which shall be at least four (4) feet in height when planted and which can be expected to reach at least six (6) feet in height within three (3) years thereafter. Such screening shall be located along the lot line of the property where such loading space is located.

   (c) Loading spaces and maneuvering area related thereto shall be surfaced with asphalt or concrete and provide for adequate drainage, subject to approval by the Building Inspector or his designated representative.

5. The number of required loading spaces for specified uses shall be as follows:

   (a) <u>Institutional and Commercial</u> - One (1) loading space for any such use with 10,000 square feet or more of gross floor area plus one (1) additional space for each additional 10,000 square feet of floor area or fraction thereof.

   (b) <u>Industrial and Other</u> - One (1) space for any such use with 20,000 square feet or more of gross floor area plus one (1) additional space

for each additional 20,000 square feet of floor area or fraction thereof.

11-1404. Street Access. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the point of contract, the following regulations shall apply:

A. A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed forty (40) feet in width in width for commercial and industrial uses and thirty-five (35) feet for all other types of uses. (Revised per Ordinance 120-13)

B. Lots less than one hundred (100) feet in width shall have no more than one point of access to any one (1) public street. Lots greater than one hundred (100) feet in width may have two (2) points of access to any one (1) public street plus one (1) additional point of access for each additional one hundred (100) feet in width for any lot over two hundred (200) feet in width.

C. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.

D. The area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk, to prevent encroachment of vehicles onto the sidewalk area.

E. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.

F. Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals, provided, further that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

G. Access control on property abutting state or federal highways shall be governed by regulations of the Tennessee Department of Transportation or the provisions of this Ordinance, which ever set the higher standard.

11-1405. Signs. (Updated per Ordinance 114-13)
The following regulations shall apply:

A. Interference with Traffic: Signs shall comply with the following regulations in order to preclude interference with traffic or traffic control:

1. No sign shall be erected or maintained in any form or at any location where it may obstruct or in any way interfere with the view of or be confused with any authorized traffic control device.

2. No sign shall be placed in or project into any public right-of-way except publicly owned traffic control signs and signs specifically exempted in the B-3 (Central Business) district.

3. No signs shall contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead, or confuse traffic.

4. Any light used for illumination and not an integral part of the sign shall be so arranged as to reflect light away from streets.

B. Sign Illumination: Signs shall comply with the following regulations in order to preclude any adverse effects on residential districts.

1. Flashing or intermittent or animated illumination is prohibited within one hundred and fifty (150) feet of any residential district.

2. All directly illuminated signs are prohibited within fifty (50) feet of any residential district.

3. Any light used for illumination shall be so arranged as to reflect light away from any adjoining residential districts.

4. Signs that use flashing, intermittent, or animated illumination must display images that are complete in themselves, without continuation in content to the next image or message, or to any other sign.

5. No sign shall be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of 5,000 nits during the day and 500 nits during nighttime hours.

6. Illumination must not be so brilliant, as to cause glare or otherwise impair the vision of an automobile driver or result in a nuisance to an automobile driver.

7. Illumination must not be so brilliant, as to interfere with the effectiveness of an official traffic sign, device, or signal.

8. Signs that utilize Light Emitting Diodes (LED) must be equipped with both a dimmer and a photocell that automatically adjusts the display's intensity, according to natural ambient light.

9. Images and messages displayed shall remain static for a minimum of eight (8) seconds, with a maximum change time of two (2) seconds.

C. Location (Setbacks): Signs shall comply with the following setback requirements:

1. All signs shall conform to the side and rear yard requirements for the zone in which located.

2. No sign shall be erected closer than fifty (50) feet to any residential district.

3. Front yard setbacks for all on-site signs shall be ten (10) feet.

4. Front yard setbacks for all off-site signs shall be the front yard setback requirement of the district in which located.

D. Height: Signs shall comply with height requirements by district as follows:

1. Signs in any residential zone shall be no higher than ten (10) feet.

2. Signs in H-M (Hospital-Medical), B-1 (Local Business), and B-3 (Central Business) districts shall be no higher than twenty (20) feet.

3. Signs in all other business zones not mentioned above, and all industrial zones, shall be no higher than forty (40) feet.

E. Signs Permitted in Zoning Districts: Signs shall be permitted in zoning districts as follows, except as modified by subjection (6) and (7) of this section, per lot or parcel:

1. Residential Districts: One on-site sign for permitted non-residential uses, except for home occupations. Such signs shall not exceed twelve (12) square feet in area, except that churches may have a sign no greater than thirty-two (32) square feet in area. Any sign illumination shall be non-flashing, non-animated and indirect illumination and shall not be an integral part of the sign, and shall be so arranged as not to direct or reflect light toward adjoining premises and streets.

2. H-M (Hospital-Medical) and B-1 (Local Business) Districts: Two on-site signs as follows:

(a) One free standing sign not to exceed one square foot per foot of road frontage to a maximum of one hundred (100) square feet in area.

(b) One fascia sign not to exceed one square foot per foot of frontage of the principal building to a maximum of fifty (50) square feet in area.

3. B-3 (Central Business) Districts. Up to three on-site signs as follows:

(a) In situations where at least a 10 foot front yard setback exists, one free standing sign not to exceed one square foot per foot of frontage of the principal building to a maximum of fifty (50) square feet in area.

(b) In situations where a free standing sign is not permitted or a free standing sign is not constructed, one projecting sign not to exceed one square foot per foot of frontage of the principal building to a maximum of fifty (50) square feet. The sign may project over a side walk right-of-way but not over a parking or traffic right-of-way.

(c) One wall or fascia sign not to exceed one square foot per foot of frontage of the principal building to a maximum of one hundred and fifty (150) square feet. Wall or fascia signs shall be placed flat against the wall of a building or designed as a part of an architectural feature thereof.

(d) In situations where a sidewalk canopy exists, each tenant will be permitted one under canopy sign with a surface area not to exceed six (6) square feet. There shall be a minimum clearance of eight (8) feet from the bottom of the sign to the sidewalk surface. The sign shall be mounted as much as possible at right angle perpendicular to the principal building.

4. Other Business Districts and Industrial Districts. Three permanent on-site signs as follows:

(a) One (1) free-standing sign not to exceed one (1) square foot of road frontage to a maximum of one hundred and fifty (150) square feet.

(b) One ground sign not to exceed a maximum of fifty (50) square feet of area. Ground signs shall be permanently anchored and be no more than ten (10) feet in height.

(c) Wall or fascia signs not to exceed the following area total:

(1) for front face of building setting back less than 100 feet from a fronting street right-of-way, two (2) square feet of sign area per lineal foot of the front face of the building or portion of building occupied;

(2) for front face of building setting back 100 feet or more from a fronting street right-of-way, three (3) square feet of sign area per lineal foot of the front face of the building or portion of building occupied.

(3) for facings of buildings not fronting on a public street, two (2) square feet of sign area per lineal foot of the facing of the building in which the sign will be located.

The front face of a building is that surface of a building which faces a front lot line by no greater an angle than 45 degree off of a line parallel to the front lot line. The measurement of lineal footage of the front face shall be along the ground base of the building. For corner lots, the two front faces of a building shall be considered separately. For portions of a building occupied by a separate business, such business having also an identifiable claim on a portion of the front face of the building, such portion of the front face shall be considered separately for each such business. For buildings such as malls where a business orients internally to the building, and where a business has no identifiable claim on the front face of the building, the front face of the building shall be considered as a unit with the facia sign allocation to each business being an internal matter of building management within the total area of facia signs allowed to the building.

(d) For lots without street frontage, signs meeting the criteria specified in sections (a) and (b) of this section may be allowed on a permanent easement, provided that the following criteria is met:

(1) The easement on which the sign(s) are placed must have street frontage and must be adjacent to the property lacking in street frontage.

(2) Written permission to place said signs must be obtained from the owner of the property on which the sign easement is placed and submitted to the building official at the time that a sign permit is requested.

F. Off-site Signs. Off-site signs shall be permitted as follows:

1. Off-site Identification Signs. Off-site identification signs for churches and schools shall be permitted in all zoning districts provided that they do not exceed two (2) square feet in area.

2. Off-site Identification and Directory Signs. Off-site identification and directory signs shall be permitted in P-M (Planned Industrial) and P-B (Planned Business) districts, and shall:

(a) be no greater in area than one hundred (100) square feet;

(b) have top of sign no higher than twenty (20) feet from natural ground level;

(c) be located only within the P-M or P-B zone in which the related integrated planned development is located;

(d) be oriented to expressway or arterial roads, as identified in the Comprehensive Plan, and be located at the intersections of such expressways or arterial roads with roads providing access to the integrated planned development;

(e) be located more than one hundred (100) feet from any other sign which is oriented to an expressway or arterial road and at the same time related to the integrated planned development or any of its component industries or businesses;

(f) be located more than one hundred (100) feet from any on-site sign related to the integrated planned development or any of its component industries or businesses;

(g) list the identifying name of the integrated planned development, followed by the names of industries and/or businesses located in the development;

(h) be illuminated by non-flashing, non-animated, indirect illumination and be so arranged as to reflect light away from residential zones, lots and streets.

3. Off-site Signs (Billboards): Billboards shall be permitted in M-1 (Light-Industrial) Districts, and M-2 (Heavy-Industrial) Districts, and P-M (Planned Industrial) Districts subject to the following:
(Revised per Ordinance 199-19)

(a) A billboard shall be located not less than fifty (50) feet in distance from any structure in which fifty percent (50%) or more of the floor space is used for dwelling purposes.

(b) A billboard shall be at least seven hundred (700) feet in distance from any other billboard on the same side of the street.

(c) A billboard shall not have one sign above another sign.

(d) Total surface area of a billboard shall be no greater than three hundred (300) square feet.

4. Off-site Bench Signs. Bench signs shall be permitted in all business and industrial districts except the B-1 (Local Business) district, subject to the following:

(a) Sign area per bench shall be no greater than twelve (12) square feet.

(b) The height of the bench shall be no greater than forty-four (44) inches, including the bench back.

(c) Benches with signs shall be placed with backs parallel to and up against the wall of the principal building, provided that no bench sign shall be allowed against a wall of the principal building where such wall is within ten (10) feet of the property line, except that this section shall not apply to the Obion County Court House.

G. Temporary Signs Permitted in any District. The following temporary signs are permitted in any district subject to a uniform ten (10) foot setback:

1. One (1) temporary on-site "For Sale" or "For Rent" sign not to exceed six (6) square feet in area. "For Sale" signs must be removed from the property on the date of formal closing of the property's transaction or on the date the owner agrees to take the property off the market.

2. Temporary off-site “For Sale” directory signs, which must be removed upon the sale of the advertised property or upon the property no longer being for sale.

3. Four (4) temporary off-site auction signs advertising the sale of property, provided that the signs shall be no greater than twenty-four (24) square feet in area, and the signs shall be set up no more than 18 days prior to the date of auction and shall be removed within three days following the date of the auction.

4. One (1) temporary sign for promotion of a real estate subdivision, provided that the sign shall be located on the subdivision premises, be no greater than one hundred (100) square feet in area, and that the sign shall not be lighted by flashing or intermittent illumination.

5. One temporary on-site sign for identification of builder, contractor, architect, engineer, or other agent for a lot under development, provided that the sign shall not exceed one hundred (100) square feet in area and be placed on the lot premises only for the duration of the construction.

6. Five (5) temporary signs for special events of public interest, each not exceeding twenty-four (24) square feet in area, subject to one sign being placed upon the site of the event not more than thirty (30) days prior to the event, and four signs which may be placed off-site for a period not exceeding ten (10) days prior to the special event. All such signs shall be taken down within five (5) days of the ending of the special event.

7. Temporary political or campaign signs on behalf of candidates for public office, referenda, or other electoral measures, provided that such signs shall be erected no earlier than forty-five (45) days prior to the related election or balloting and shall be removed within five (5) days following the related election or ballot, and provided that no sign shall be located within or over a public right-of-way.

8. Temporary off-site signs in public recreational areas, subject to rules and regulations as set by the City Council of Union City, Tennessee.

H. Temporary Announcements of Special Events - Light Emitting Diode (LED) signs may, at their discretion, temporarily advertise off-site special events to be held in the community by governmental, civic, religious, or similar organizations.

I. Prohibited Temporary Signs - Temporary signs which emanate light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign faces, and is designed so that it is capable of moving or being moved from one location to another and signed on a temporary basis.

J. Off-street Parking Signs. Signs required for off-street parking, showing entrances and exists, or designating no parking or handicapped parking areas, are permitted, such signs to be no larger than four (4) square feet in area and one sign defining the conditions of use of such off-street parking is permitted, such sign to be no larger than twelve (12) square feet. All permitted off-street parking signs shall be no higher than six (6) feet in height and set back a minimum of ten feet, except that signs no higher than thirty (30) inches above pavement grade are permitted up to the right-of-way line.

11-1406. Vision Clearance at Street Intersections.

A. General. To insure that landscape materials, parked vehicles, structures and signs do not constitute a traffic hazard, a clear vision triangle shall be maintained at all street intersections. Within the clear vision triangle, there shall be no object planted, allowed to grow, constructed, placed or parked between the heights of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the streets, except as exempted in subsection B below. Vision triangles shall be determined by type of intersection as provided in subsection C below.

B. Exemptions. The following are exempted from the application of regulations under this section:

1. any structure in the B-3 (Central Business District) zone;

2. any building existing on the date of August 31, 1990;

3. utility poles;

4. any single sign pole with a diameter less than 18 inches;

5. traffic signs; and

6. any tree existing on the date of August 31, 1990, provided that all such trees shall be trimmed of foliage to a height of 10 feet from ground level.

C. Intersection of Streets.

1. At all intersections of streets, a vision triangle shall be determined for all corner lots by:

(a) the intersection of curb lines, or edge of pavement in the absence of curb lines, fronting corner lots;

(b) the legs of a triangle measured along the curb lines, or edge of pavement in the absence of curb lines, from the intersection for distances as detailed below; and

(c) a line connecting the ends of the triangle legs farthest away from the intersection.

2. The distances of measure along the legs of the triangle shall be as follows:

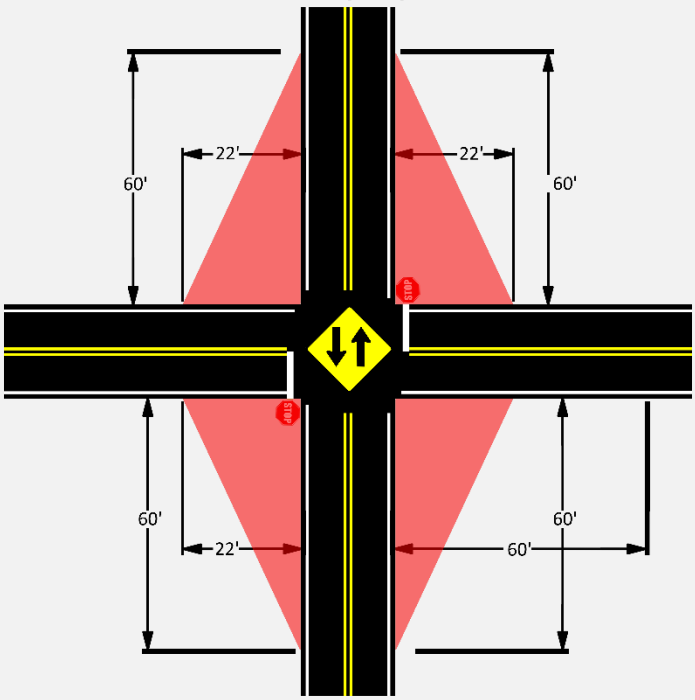
(a) for intersection of streets, all of which have no traffic stop or yield control device, the legs of the triangle shall be measured for a distance of sixty (60) feet;

(b) for intersection of streets where one is a street controlled by a traffic stop or yield control device, and the other is a thru traffic street with no traffic stop or yield control device, the legs of the triangle shall be measured for a distance of twenty-two (22 feet along the stop or yield street and sixty (60) feet along the thru street; or

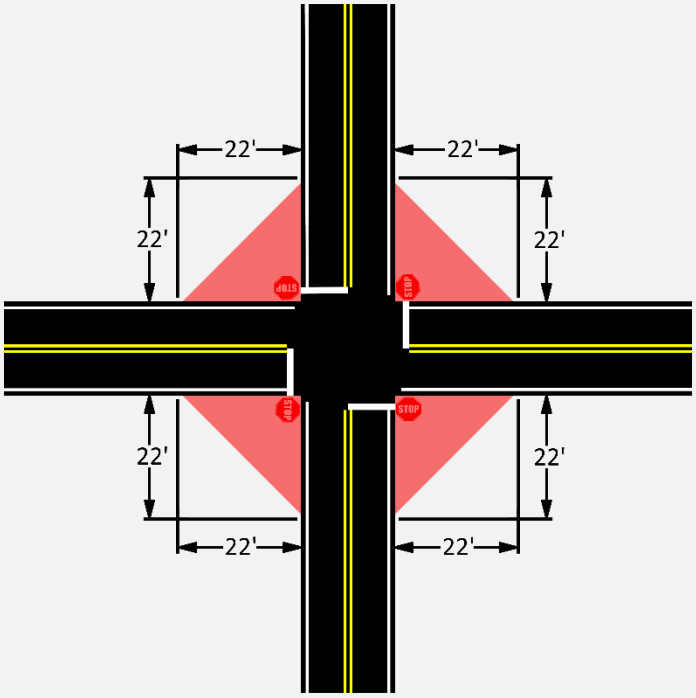
(c) for intersection of streets where all approaching traffic is subject to a traffic stop or yield control device, the legs of the triangle shall be measured for a distance of twenty-two (22) feet;

D. Board of Zoning Appeals Review: Relief from the application of the regulations in this section may be given as a variance if a hardship can be established and it can be established that such variance will not reduce traffic vision and traffic safety unduly.

EXAMPLE: 11-1406.C.2.b
2-Way Stop



EXAMPLE 11-1406.C.2.c
4 Way Stop



11-1407. Fences, Walls, and Hedges. Notwithstanding other provisions of this Ordinance, the following provisions shall apply to fences, walls, and hedges:

A. Fences, walls and hedges may be permitted in or along the edge of any side or back yard.

B. In any front yard, fences, walls and hedges may be permitted, but shall be setback at least ten (10) feet from the outside edge of the street curb, or the edge of the street pavement in the absence of a curb, but in no case be placed closer to the street than the property/right-of-way line.

C. The restrictions on setback in front yards shall not apply to retaining walls of height no greater than thirty (30) inches above the center line grade of the fronting street.

D. All fences, walls and hedges shall conform to provisions of Section 11-1406 for visibility at street intersections.

11-1408. Dwelling Lot must abut Public Street. No dwelling shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet, except that lots abutting the end of the cul-de-sac may abut the street only thirty-five (35) feet, and except that lots specifically designed for individual townhouse units may abut the street only twenty (20) feet.

11-1409. Placement of Accessory Uses, Buildings, and Structures in Zoning Districts. Accessory uses, buildings, and structures shall be permitted in every zoning district, and regulated by the provisions pertaining to each district.

11-1410. Screening. A buffer shall be required to be located on any commercial, or industrial development which abuts a residentially zoned property along the side or rear lot line. This screening shall be either a continuous opaque fencing at least four (4) feet in height or a plant screen three (3) feet in depth which, when planted, is at least three (3) feet in height and will mature to at least six (6) feet in height, which is evergreen and which will be maintained in an attractive, esthetically pleasing manner. The height, type, and location of such screening shall be determined by the building inspector, or by the Planning Commission as part of an overall site plan review.

This section shall not be construed to prohibit security fences exceeding six (6) feet in height, but shall require an opaque surface or planting in compliance with this section, and shall not be construed to abrogate or contradict the provisions of Section 11-1407. Fences, Walls and Hedges.

11-1411. Manufactured, Residential Dwellings: In accordance with TCA (Tennessee Code Annotated), Section 13-24-201, this Zoning Ordinance shall not be used to exclude the placement of a residential dwelling on land designated for residential use solely because the dwelling is partially or completely constructed in a manufacturing facility. A structure, transportable in one or more sections, which may be built on a permanent chassis and designed to be used as a single family dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of these regulations, the term "manufactured residential dwellings" does not include "mobile home." As herein defined and as further defined in TCA (Tennessee Code Annotated) Section 13-24-201. The term "Manufactured Residential Dwelling" does not apply to "factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis…" (Added per Ordinance 233-22)

The following standards shall apply to Manufactured Residential Dwellings:

A. The unit must be installed on a continuous, permanent, masonry wall with the appearance of a conventional load-bearing foundation wall with appropriate venting and access in order to have a site-built appearance as allowed by TCA (Tennessee Code Annotated) Section 13-24-202. This masonry wall shall be installed within ninety (90) days of the placement of the dwelling. Manufactured Residential Dwellings in Flood Hazard areas must comply with the requirements in Chapter 18 of this Ordinance.

B. The home must be covered with an exterior material customarily used on conventional dwellings. Suitable exterior materials include but shall not be limited to clapboard, simulated clapboards, such as conventional or metal material, but excluding smooth ribbed or corrugated metal or plastic panels.

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

D. The roof must be pitched so that is at least a 3-inch vertical rise for each 12 inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles, fiberglass, or standing seam metal roofing material, but excluding corrugated aluminum, or corrugated fiberglass.

E. The unit must be oriented on the lot so that it meets all setback and other requirements for the district in which it is located and so that it faces the street which it abuts. (Added per Ordinance 233-22)

F. All such units shall be required to connect to a public utility system which includes, electricity, water and sewer in compliance with the Southern Standard Building Code, other national, state, and local codes.

G. All porches and risers must meet codes requiring landings and handrails in accordance with Standard Building Codes.

H. The unit must be originally constructed for a proposed site. Previously constructed and lived in units may not be relocated to residentially zoned properties in Union City. (Added per Ordinance 233-22)

11-1412. Adult Oriented Businesses. For the purposes of this ordinance, Adult Oriented Businesses as defined in Chapter 13 of this ordinance shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein.

11-1413. Tiny Houses. Tiny houses, as defined in Chapter 13 of this Ordinance, where allowed as a permitted use by this Ordinance shall meet the following conditions:
(Added per Ordinance 189-18)

A. Tiny houses shall have the same general appearance as required for site-built homes.

B. Tiny houses must be installed on a permanent foundation system in compliance with all applicable requirements of the adopted building code.

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

D. Any hitches or towing apparatus, axles and wheels must be removed.

E. The roof must be pitched so there is at least a two inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings.

F. Tiny houses shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance of the adopted applicable building and electric codes.

G. Tiny houses may not exceed one (1) story in height, not to include sleeping lofts.

H. Multiple tiny houses may be located on a single property so long as lot requirements are met for each tiny house as if it were on its own property.

I. Tiny houses shall be exempt from minimum lot width requirements of individual zoning districts.

J. Tiny houses shall be site built only. Pre-Manufactured structures such as sheds shall not be used. (Added per Ordinance 000-00)

11-1414. Front Porch or Front Deck Additions. For any residential dwelling or dwelling unit (to include single family dwellings, two-family dwellings, multi-family dwellings, townhouses, tiny houses, mobile homes, and manufactured homes) any exterior, attached additions to the front of the dwelling, such as front porches or front decks (but not including handicapped ramps), must be installed on a continuous, permanent, masonry wall with the appearance of a conventional load-bearing foundation wall with appropriate venting and access in order to have a site-built appearance. For the purposes of this provision, the front of the dwelling shall be the portion of the dwelling facing the property's street frontage. On corner lots front additions shall be considered additions to either portion of the dwelling facing street frontage.
(Added per Ordinance 214-20)

CHAPTER 15

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

SECTION

11-1501. R-1 (Low Density Residential) Districts.

11-1502. R-2 (Medium Density Residential) Districts.

11-1503. R-3 (High Density Residential) District.

11-1504. Parking and Storage of Recreational Equipment in Residential Districts.

11-1505. OTR-1 (Old Town Low Density Residential) Districts.

11-1506. OTR-2 (Old Town High Density Residential) Districts.

11-1501. R-1 (Low Density Residential) Districts. Within the R-1 (Low Density Residential) Districts, as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply.

A. Uses Permitted:

1. Single-family dwellings;

2. Accessory buildings customarily incidental to any aforementioned permitted use;

3. Signs as permitted by Section 11-1405.

B. Special Exceptions:

1. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, as a matter of right, provided however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. Site plans shall be drawn to scale and address all the criteria with which the Board of Zoning Appeals may be concerned, as enumerated in Section 11-802 E. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters.

This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

2. The Board of Zoning Appeals may at its discretion permit county, state or federal uses, public utilities and facilities, cemeteries, philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried on as a business, country clubs provided that a minimum four (4) acre site is provided, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals following approval of a site plan, drawn to scale, that address all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 11-802 E., and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

3. Home Occupations may be permitted by the Board of Zoning Appeals. Before an appeal may be heard, the Building Inspector shall make a determination that the home occupation will meet the following conditions:

   (a) be operated entirely within a dwelling unit and not in an accessory structure;

   (b) be operated only by the person or persons residing within the dwelling unit;

   (c) utilize not more than fifteen (15) percent of the net floor area in the dwelling unit.

   The Board of Zoning Appeals shall determine the criteria for permitting home occupations subject to the foregoing conditions and Section 11-802 E. of the Zoning Ordinance, and the criteria shall be set forth in the application requesting the exception. The criteria shall be designed to enable the Board to determine whether the occupation will generally preserve the character and integrity of the zone and to enable the Board to place such restrictions upon the permittee as may be consistent with that objective. If the permittee fails to operate the home occupation, as stated in his answers to the application, as amended by the restrictions stated in the permit, the exception may be revoked and the applicant shall be guilty of a misdemeanor.

4. Planned Unit Residential Development (PURD) may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-804.

5. Family Day Care Homes may be permitted by the Board of Zoning Appeals as home occupations subject to the requirements of sub-section 11-1501 B. 3. The approval of the required site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, the day care operations approved shall meet the following additional requirements:

(a) Minimum required lot area.

(1) Family Day Care Home - 10,000 square feet.

(b) Minimum required fenced play area.

(1) Family Day Care Home - 1,400 square feet.

(c) The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(d) All outdoor play activities shall be conducted within the fenced play area.

(e) The family day care home facility maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

6. Telecommunications Equipment on Existing Structures only may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

7. Standards for Residential Transient Rental Units - The Board of Zoning Appeals may authorize the issuance of a special use permit for a Bed and Breakfast Inn after first holding a public hearing as provided in this section and subject to the following additional standards:
(Revised per Ordinance 200-19)

(a) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on the premises for permanent residents.

(b) The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(c) Signs identifying Residential Transient Rental Units by dwelling name shall be allowed, so long as they do not exceed three (3) square feet and are non-illuminated. Such Signs can only identify the dwelling and may not advertise the dwelling as any type of Residential Transient Rental Unit.

(d) New Residential Transient Rental Units shall not locate within 300 feet of another Residential Transient Rental Unit.

(e) No more than three (3) bedrooms per property shall be used for lodging in the Residential Transient Rental Units.

(f) Proprietors of the Bed and Breakfast Inn shall also be permanent residents of the property on which it is located. All area and yard requirements of the district must be met.

(g) An accurately drawn scaled plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The scaled plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and other information as be required by the Union City Board of Zoning Appeals.

(h) All applicable Federal, State and Municipal Codes, including fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.

(i) Lodging of guests at the proposed Bed and Breakfast Inn shall be limited to no more than 31 days during any one stay.

(j) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.

(k) No more than two (2) paid staff members/employees are permitted for Residential Transient Rental Units.

C. Uses Prohibited: Any use not specifically permitted as a special exception by the Board of Zoning Appeals.

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

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

1. Minimum required lot area.

(a)	Dwelling Units	10,000 sq. ft.
(b)	Churches	20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
(c)	Public Schools	Shall meet the applicable minimum school site acreage standards as established from time to time by the Tennessee State Department of Education.
	Private Schools	Four acres, plus one acre for each 100 students. The Board of Zoning Appeals shall approve requests for more than one ball field or for other

		accessory uses, such as a stadium, which occupy large amounts of land area. In reviewing such requests, the Board of Zoning Appeals shall be governed by Sections 11-802 E. and 11-1501 B. of this Ordinance and shall consider conventionally accepted lot area standards for the proposed accessory use.
(d)	Other Uses	As required by the Board of Zoning Appeals.

2. Minimum required lot width at the building line.

(a)	Dwellings	60 feet
(b)	Churches	200 feet
(c)	Other Uses	As required by the Board of Zoning Appeals.

3. Minimum required front yard.

(a)	Dwellings	40 feet
(b)	Churches	40 feet
(c)	Other Uses	40 feet or more as required by the Board of Zoning Appeals.

4. Minimum required rear yard.

(a)	Dwellings	30 feet
(b)	Churches	30 feet
(c)	Other Uses	20 feet or more as required by the Board of Zoning Appeals.

5. Minimum required side yard on each side of lot.

(a)	Dwellings	10 feet
(b)	Churches	15 feet
(c)	Other Uses	15 feet or more as required by the Board of Zoning Appeals.

6. Maximum lot coverage by all buildings.

(a)	Dwellings and accessories	30%

(b)	Churches	25%
(c)	Other Uses	50% or less as required by the Board of Zoning Appeals.

7. Maximum permitted height of structures.

   (a) No principal building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet maximum, provided that no sign shall exceed ten (10) feet in height and shall not extend or project above the roof line of the principal building.

   (b) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.

   (c) No accessory building shall exceed two (2) stories in height.

   (d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

11-1502. R-2 (Medium Density Residential) Districts. Within the R-2 (Medium Density Residential) Districts, as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply:

A. Uses Permitted:

1. Single-family dwellings, duplex dwellings, multi-family dwellings, and townhouse dwellings;

2. Accessory buildings customarily incidental to any aforementioned permitted use;

3. Signs as permitted by Section 11-1405.

B. Site Plan Review of Multi-Family Dwellings and Townhouse Dwellings:

Prior to issuance of a building permit for any apartment project having twelve (12) or more units, a site plan for the use and development of the entire tract shall be approved by the Planning Commission. Such site plan shall be submitted to the planning staff for review at least three (3) days prior to the Planning Commission meeting in which the site plan shall be considered. The site plan shall conform to the following requirements:

1. Be drawn at a scale of 1" = 100'.

2. Show that the proposed project meets all requirements as set forth in Subsections E. and F. of this Subsection.

3. Include the following:

(a) Name of development and address of owner and/or developer;

(b) Date and approximate north arrow;

(c) Present zoning of the site and surrounding area;

(d) Names of owners of surrounding properties;

(e) The total land area included in the project site;

(f) Number of dwelling units and square feet of floor space;

(g) Existing and proposed street and utility layout, including streets, sidewalks, alleys, water mains, fire hydrants, sewer lines, retaining walls, and other drainage improvements;

(h) All rights-of-way and easements;

(i) Driveways, entrances, exits, and parking spaces;

(j) Natural and artificial water courses, and limits of flood plains, if applicable; and

(k) Recreational areas.

4. Show that the proposed project conforms to the City's Major Road Plan.

5. Provide two spaces for signed approval by the Chairman and Secretary of the Planning Commission.

6. Provide a certificate which states that a stormwater management plan has been approved which demonstrates all applicable stormwater management regulations are being complied with to be signed by the Stormwater Coordinator. (Added per Ordinance 192-18)

The Planning Commission, in its review of the factors identified in (2), (3), and (4) above, shall have the power to impose conditions as may be required to protect the surrounding neighborhood from traffic congestion or other undesirable conditions. This shall not include the power to regulate the architectural style of buildings or other similar factors not related to the public health, safety and welfare.

The Planning Commission shall review the site plan and make a determination as to approval, disapproval, or approval subject to modifications, within thirty (30) days. If the site plan is disapproval, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required changes will be stated in writing.

C. Special Exceptions:

1. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, and railroad rights-of-way shall be permitted as a matter of right, provided however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. Site plans shall be drawn to scale and address all the criteria with which the Board of Zoning Appeals may be concerned, as enumerated in Section 11-802 E. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the districts in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

2. The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, public utilities and facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, country clubs, provided that a minimum four (4) acre site is provided, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided however, that no permit shall be issued except with the written approval of Board of Zoning Appeals following approval of site plans drawn to scale that address all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 11-802 E, and subject to such conditions as the Board of Zoning

Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

3. Home Occupations may be permitted by the Board of Zoning Appeals. Before an appeal may be heard, the Building Inspector shall make a determination that the home occupation will meet the following conditions:

   (a) be operated entirely within a dwelling unit and not an accessory structure;

   (b) be operated only by the person or persons residing within the dwelling unit; and

   (c) utilize not more than fifteen (15) percent of the net floor area in the dwelling unit.

   The Board of Zoning Appeals shall determine the criteria for permitting home occupations subject to the foregoing conditions and Section 11-802 E of the Zoning Ordinance, and the criteria shall be set forth in the application requesting the exception. The criteria shall be designed to enable the Board to determine whether the occupation will generally preserve the character and integrity of the zone, and to enable the Board to place such restrictions upon the permittee as may be consistent with that objective. If the permittee fails to operate the home occupation, as stated in his answers to the application, as amended by the restrictions stated in the permit, the exception may be revoked and the applicant shall be guilty of a misdemeanor.

4. Planned Unit Residential Development (PURD) may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-804.

5. Family Day Care Homes may be permitted by the Board of Zoning Appeals as home occupations subject to the requirements of sub-section 11-1502 C.3. The approval of the required site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, the day care operations approved shall meet the following additional requirements:

   (a) Minimum required lot area.

      (1) Family Day Care Home - 10,000 square feet.

   (b) Minimum required fenced play area.

      (1) Family Day Care Home - 1,400 square feet.

   (c) The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(d) All outdoor play activities shall be conducted within the fenced play area.

(e) The family day care home facility maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

6. Telecommunications Equipment on Existing Structures only may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

7. Standards for Residential Transient Rental Units - The Board of Zoning Appeals may authorize the issuance of a special use permit for a Bed and Breakfast Inn after first holding a public hearing as provided in this section and subject to the following additional standards:
(Revised per Ordinance 200-19)

(a) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on the premises for permanent residents.

(b) The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(c) Signs identifying Residential Transient Rental Units by dwelling name shall be allowed, so long as they do not exceed three (3) square feet and are non-illuminated. Such Signs can only identify the dwelling and may not advertise the dwelling as any type of Residential Transient Rental Unit.

(d) New Residential Transient Rental Units shall not locate within 300 feet of another Residential Transient Rental Unit.

(e) No more than three (3) bedrooms per property shall be used for lodging in the Residential Transient Rental Units.

(f) Proprietors of the Bed and Breakfast Inn shall also be permanent residents of the property on which it is located. All area and yard requirements of the district must be met.

(g) An accurately drawn scaled plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The scaled plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and other information as be required by the Union City Board of Zoning Appeals.

(h) All applicable Federal, State and Municipal Codes, including fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.

(i) Lodging of guests at the proposed Bed and Breakfast Inn shall be limited to no more than 31 days during any one stay.

(j) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.

(k) No more than two (2) paid staff members/employees are permitted for Residential Transient Rental Units.

D. Uses Prohibited: Any use not specifically permitted as a special exception by the Board of Zoning Appeals.

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

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

1. Minimum required lot area.

(a)	Dwelling units, except townhouses	6,000 sq. ft. for the first dwelling unit plus 2,500 square feet for each additional dwelling unit.
(b)	Townhouse Dwelling	2,600 sq. ft. per unit
(c)	Churches	20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
(d)	Public Schools	Shall meet the applicable minimum school site acreage standards as established from time to time by the Tennessee State Department of Education.
	Private Schools	Four acres, plus one acre for each 100 students. The Board of Zoning Appeals shall approve requests for more than one ball field or for other accessory uses, such as a stadium, which occupy large amounts of land area. In reviewing such requests, the Board of Zoning Appeals shall be governed by Sections 11-802 E. and 11-1502 C.1. of this Ordinance and shall consider conventionally

			accepted lot area standards for the proposed accessory use.
	(e)	Other Uses	As required by the Board of Zoning Appeals.

2. Minimum required lot width at the building line.

(a)	Dwellings, except townhouses	50 feet
(b)	Townhouse dwellings	20 feet per unit plus required yards
(c)	Churches	100 feet
(d)	Other Uses	As required by the Board of Zoning Appeals.

3. Minimum required front yard.

(a)	Dwelling	30 feet
(b)	Churches	30 feet
(c)	Other Uses	30 feet or more as required by Board of Zoning Appeals.

4. Minimum required rear yard.

(a)	Dwellings	20 feet
(b)	Churches	25 feet
(c)	Other uses	15 feet or more as required by the Board of Zoning Appeals

5. Minimum required side yard on each side of lot.

(a)	Dwellings	Eight (8) feet, provided that no side yard is required for townhouse dwellings having adjoining walls.
(b)	Churches	10 feet
(c)	Other Uses	10 feet

6. Maximum lot coverage by all buildings.

(a)	Dwelling and accessories	35%
(b)	Churches	30%

(c)	Other Uses	50% or less as required by the Board of Zoning Appeals.

7. Maximum permitted height of structures

(a) No principal building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet maximum, provided that no sign shall exceed ten (10) feet in height and shall not extend or project above the roof line of the principal building.

(b) On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height, except townhouses.

(c) No accessory building shall exceed two (2) stories in height.

(d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and, provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

11-1503. R-3 (High Density Residential) Districts. Within the R-3 (High Density Residential) Districts, as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply.

A. Uses Permitted:

1. Single-family dwellings, duplex dwellings, townhouse dwellings, and multi-family dwellings.

2. Accessory buildings customarily incidental to any aforementioned permitted use;

3. Signs as permitted by Section 11-1405.

4. Mobile homes, provided however, that they are located in mobile home parks that meet the requirements of Title 8, Chapter 7, Union City Municipal Code, 1963, as amended, regulating mobile home parks.

5. Tiny Houses. (Added per Ordinance 189-18)

B. Site Plan Review of Multi-Family Dwellings and Townhouse Dwellings:

Prior to issuance of a building permit for any apartment project having twelve (12) or more units, a site plan for the use and development of the entire tract shall be approved by the Planning Commission. Such site plan shall be submitted to the planning staff for review at least three (3) days prior to the Planning Commission meeting in which the site plan shall be considered. The site plan shall conform to the following requirements:

1. Be drawn at a scale of 1" = 100'.

2. Show that the proposed project meets all requirements as set forth in Subsections E. and F. of this Subsection.

3. Include the following:

a. Name of development and address of owner and/or developer;

b. Date and approximate north arrow;

c. Present zoning of the site and surrounding area;

d. Names of owners of surrounding properties;

e. The total land area included in the project site;

f. Number of dwelling units and square feet of floor space;

g. Existing and proposed street and utility layout, including streets, sidewalks, alleys, water mains, fire hydrants, sewer lines, retaining walls, and other drainage improvements;

h. All rights-of-way and easement;

i. Driveways, entrances, exits, and parking spaces;

j. Natural and artificial water courses, and limits of flood plains, if applicable; and

k. Recreational areas.

4. Show that the proposed project conforms to the City's Major Road Plan.

5. Provide two spaces for signed approval by the Chairman and Secretary of the Planning Commission.

6. Provide a certificate which states that a stormwater management plan has been approved which demonstrates all applicable stormwater management regulations are being complied with to be signed by the Stormwater Coordinator. (Added per Ordinance 192-18)

The Planning Commission, in its review of the factors identified in 2, 3, and 4. above shall have the power to impose conditions as may be required to protect the surrounding neighborhood from traffic congestion or other undesirable conditions. This shall not include the power to regulate the architectural style of buildings or other similar factors not related to the public health, safety and welfare.

The Planning Commission shall review the site plan and make a determination as to approval, disapproval, or approval subject to modifications, within thirty (30) days. If the site plan is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required changes will be stated in writing.

C. Special Exceptions:

1. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, and railroad rights-of-way shall be permitted as a matter of right, provided however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. Site plans shall be drawn to scale and address all the criteria with which the Board of Zoning Appeals may be concerned, as enumerated in Section 11-802 E. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the districts in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

2. The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, public utilities and facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, country clubs, provided that a minimum of four (4) acre site is provided, customary general farming uses,

gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided however, that no permit shall be issued except with the written approval of Board of Zoning Appeals following approval of site plans drawn to scale that address all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 11-802 E., and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

3. Home Occupations may be permitted by the Board of Zoning Appeals. Before an appeal may be heard, the Building Inspector shall make a determination that the home occupation will meet the following conditions:

   (a) be operated entirely within a dwelling unit and not an accessory structure;

   (b) be operated only by the person or persons residing within the dwelling unit; and

   (c) utilize not more than fifteen (15) percent of the net floor area in the dwelling unit.

   The Board of Zoning Appeals shall determine the criteria for permitting home occupations subject to the foregoing conditions and Section 11-802 E. of the Zoning Ordinance, and the criteria shall be set forth in the application requesting the exception. The criteria shall be designed to enable the Board to determine whether the occupation will generally preserve the character and integrity of the zone and to enable the Board to place such restrictions upon the permittee as may be consistent with that objective. If the permittee fails to operate the home occupation, as stated in his answers to the application, as amended by the restrictions stated in the permit, the exception may be revoked and the applicant shall be guilty of a misdemeanor.

4. Planned Unit Residential Development (PURD) may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-804.

5. Family Day Care Homes may be permitted by the Board of Zoning Appeals as home occupations subject to the requirements of sub-section 11-1503 C.3. The approval of the required site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, the day care operations approved shall meet the following additional requirements:

   (a) Minimum required lot area.

      (1) Family Day Care Home - 10,000 square feet.

   (b) Minimum required fenced play area.

      (1) Family Day Care Home - 1,400 square feet.

(c) The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

(d) All outdoor play activities shall be conducted within the fenced play area.

(e) The family day care home facility maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

6. Telecommunication Equipment on Existing Structures only may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

7. Standards for Residential Transient Rental Units - The Board of Zoning Appeals may authorize the issuance of a special use permit for a Bed and Breakfast Inn after first holding a public hearing as provided in this section and subject to the following additional standards:
(Revised per Ordinance 200-19)

(a) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on the premises for permanent residents.

(b) The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(c) Signs identifying Residential Transient Rental Units by dwelling name shall be allowed, so long as they do not exceed three (3) square feet and are non-illuminated. Such Signs can only identify the dwelling and may not advertise the dwelling as any type of Residential Transient Rental Unit.

(d) New Residential Transient Rental Units shall not locate within 300 feet of another Residential Transient Rental Unit.

(e) No more than three (3) bedrooms per property shall be used for lodging in the Residential Transient Rental Units.

(f) Proprietors of the Bed and Breakfast Inn shall also be permanent residents of the property on which it is located. All area and yard requirements of the district must be met.

(g) An accurately drawn scaled plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The scaled plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and other information as be required by the Union City Board of Zoning Appeals.

(h) All applicable Federal, State and Municipal Codes, including fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.

(i) Lodging of guests at the proposed Bed and Breakfast Inn shall be limited to no more than 31 days during any one stay.

(j) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.

(k) No more than two (2) paid staff members/employees are permitted for Residential Transient Rental Units.

8. Recreational Vehicle (RV) parks provided the following requirements are met: (Added per Ordinance 204-19)

(a) Location. It shall be unlawful for any RV to be occupied outside of any approved RV park. This provision shall not apply to the storage of RVs provided such RV is neither temporarily nor permanently occupied as a living unit while in storage.

(b) Access. No RV park shall be located except with direct access to an arterial or collector status street. No entrance or exit from an RV park shall be through any residential district via a local residential street.

(c) Site Condition. Condition of soil, groundwater 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, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

(d) Minimum Site Area and Maximum Number of Spaces.

1. Each parcel of land to be used for an RV park shall have a minimum site area of four (4) acres.

2. There shall be no more than ten (10) spaces per acre of land within the RV park.

(e) Spaces for Occupancy and Lengths of Stay. Spaces in RV parks may be used by only by RVs (as specified in the definition of "recreational vehicle"). The occupant of such space shall not remain in the same RV park more than sixty (60) days.

(f) Standards for RV Spaces.

1. Minimum Size.

a. All spaces shall have a minimum area of 1,800 square feet with a minimum width of 20 feet and a minimum length of 60 feet.

b. Each space shall be designed so that any two RVs will have a minimum separating distance of 10 feet.

2. Access. Each RV space shall abut at least one internal street within the boundaries of the RV park and access to each RV space shall be only from an internal street.

3. Setback Requirements. No part of an RV placed on a space shall be closer than five (5) feet to any space line and ten (10) feet to any internal street line.

(g) Streets and Parking.

1. Entrance and exits to RV parks shall be designed for safe and convenient movement of traffic into and out of the park.

2. No entrance or exit shall require a turn at more than a ninety (90) degree angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such to facilitate easy turning movements for vehicles with trailers or cars attached.

3. Access to the park shall be located so as to provide an unobstructed view of the oncoming traffic from both directions for at least the minimum sight stopping distance as determined by the design and speed limit of the abutting street.

4. Width of Streets.

a. Internal streets in a travel trailer park shall be private and shall have a minimum paved width as follows:

One-Way - with no on-street parking	12'
One-Way - with parallel parking on one side only	18'
One-Way - with parallel parking on both sides	26'
Two-Way - with no on-street parking	20'
Two-Way - with parallel parking on one side only	28'
Two-Way - with parallel parking on both sides	36'

5. Street Surfacing

All streets shall be paved with an asphalt wearing surface with a depth of at least two inches. A pavement base shall be provided beneath the wearing surface comprised of compacted gravel which is of a minimum depth of six inches.

6. Parking

a. Each RV park shall have off-street parking pads for both travel trailer or RV and a towing or towed vehicle.

b. The pads shall be paved.

(h) Restroom Facilities. Restroom facilities shall be provided. Such facility shall be connected to a public sewer system.

(i) Refuse Disposal. Each space shall be provided with fly-proof, water-tight containers for the disposal of refuse. This provision may be waived if a central collection facility is provided. Refuse for the sites shall be collected at least once a day.

(j) Sanitary Dumping Stations. RV parks shall be required to provide at least one (1) sanitary dumping station. Said sanitary dumping station shall be designed to properly receive the discharge of wastewater from any holding tank or similar device installed in any RV and having a means of discharging the contents, in an acceptable manner, to an approved wastewater disposal or septic system. Sanitary dumping stations shall be approved by the Tennessee Department of Environment and Conservation.

(k) Landscaping and Screening. Around the perimeter of a RV park, fences, walls, or screening shall be provided to protect occupants from undesirable views, or to protect occupants of adjoining residential districts as follows:

1. Where a park adjoins a public street along boundaries a suitably landscaped yard at least twenty-five (25) feet in depth shall be provided along such streets.

2. Where a park adjoins a residential zoning district or residentially used property a suitably landscaped yard at least twenty (20) feet in depth shall be provided adjacent to such boundaries.

3. Where a park adjoins non-residential a suitably landscaped yard at least ten (10) feet in depth shall be provided adjacent to such boundaries.

4. Greater depth area or approved landscaping and screening may be required in any perimeter boundary.

(l) Open Space and Recreation Requirements

1. A minimum of five (5) percent of the total land area of a RV park shall be devoted to common open space and may be used for common recreational activities.

2. The following standards apply to open space used for recreation purposes:

a. Approved recreational areas shall be exclusive of travel trailer spaces, buffer strips, street right-of-way, and storage areas.

b. Recreational areas shall be easily accessible to all park users and management.

c. Although the required space for recreational uses may be met through more than one recreation site, the minimum size of any such area shall be 2,000 square feet.

(m) Permit for RV Park. No place or site within the City shall be established or maintained as a RV park unless a valid permit has been issued for a such a park by the Building Inspector.

(n) Inspections by Building Inspector. In order to safeguard the health and safety of the occupants of RV parks and of the general public, the Building Inspector shall make inspections as necessary to determine the condition of such parks. The Building Inspector shall also have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Section.

D. Uses Prohibited: Any use not specifically permitted as a special exception by the Board of Zoning Appeals.

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

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

1. Minimum required lot area.

(a)	Dwelling units, except townhouses	4,000 sq. ft. for the first dwelling unit plus 2,500 square feet for each additional dwelling unit.
(b)	Townhouse Dwelling	2,600 sq. ft. per unit
(c)	Churches	20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
(d)	Public Schools	Shall meet the applicable minimum school site acreage standards as established from time to time by the

		Tennessee State Department of Education.
	Private Schools	Four acres, plus one acre for each 100 students. The Board of Zoning Appeals shall approve requests for more than one ball field or for other accessory uses, such as a stadium, which occupy large amounts of land area. In reviewing such requests, the Board of Zoning Appeals shall be governed by Sections 11-802 E. and 11-1503 C.1. of this Ordinance and shall consider conventionally accepted lot area standards for the proposed accessory use.
(e)	Other Uses	As required by the Board of Zoning Appeals.
(f)	Tiny Houses	2,000 square feet for each dwelling unit. (Added per Ordinance 189-18)

2. Minimum required lot width at the building line.

(a)	Dwellings, except townhouses	50 feet
(b)	Townhouse dwellings	20 feet per unit plus required yards.
(c)	Churches	100 feet
(d)	Other Uses	As required by the Board of Zoning Appeals.

3. Minimum required front yard.

(a)	Dwelling	30 feet
(b)	Churches	30 feet
(c)	Other Uses	30 feet or more as required by Board of Zoning Appeals.

4. Minimum required yard.

(a)	Dwellings	20 feet
(b)	Churches	25 feet
(c)	Other uses	15 feet or more as required by the Board of Zoning Appeals

5. Minimum required side yard on each side of lot.

(a)	Dwellings	Eight (8) feet, provided that no side yard is required for townhouse dwellings having adjoining walls.
(b)	Churches	10 feet
(c)	Other Uses	10 feet

6. Maximum lot coverage by all buildings.

(a)	Dwelling and accessories	35%
(b)	Churches	30%
(c)	Other Uses	50% or less as required by the Board of Zoning Appeals.

7. Maximum permitted height of structures.

(a) No principal building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet maximum, provided that no sign shall exceed ten (10) feet in height and shall not extend or project above the roof line of the principal building.

(b) On a lot less than fifty (50) feet in width, the building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height, except townhouses.

(c) No accessory building shall exceed two (2) stories in height.

(d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and, provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

11-1504. Parking and Storage of Recreational Equipment in Residential Districts.

A. Definitions. As used in this section, recreational equipment is defined as, and shall include the following:

1. A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "travel trailer" by the manufacturer.

2. A "pickup camper" is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.

3. A "motorized home" is a portable dwelling designed and constructed as an integral part of self-propelled vehicle.

B. Parking and Storage. Any owner of recreational equipment as defined herein may park or store such equipment on a single family dwelling unit lot or site subject to the following conditions and regulations.

1. Recreational equipment parked or stored as provided herein shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities, and at no time shall such equipment be used for living or housekeeping purposes.

2. Such recreational equipment shall not exceed 28 feet in length overall, 8 feet in width, and 10 feet in height.

3. When such recreational equipment is parked or stored outside of a garage, carport, or other building, it must be parked or stored to the rear of the residence on said lot and must conform with all zoning setback lines for the zone in which it is located.

4. Notwithstanding the provisions of subparagraph (c) such recreational equipment may be parked anywhere on the premises for loading or unloading for a period of not more than 24 hours.

11-1505. OTR-1 (Old Town Low Density Residential) Districts. Within the OTR-1 (Old Town Low Density Residential) Districts, as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply.

A. Uses Permitted:

1. Single-family dwellings;

2. Accessory buildings customarily incidental to any aforementioned permitted use;

3. Signs as permitted by Section 11-1405.

4. Tiny Houses. (Added per Ordinance 189-18)

B. Special Exceptions:

1. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way.

   The above uses are permitted as a matter of right, provided however, that the provisions of the Ordinance are observed and that the permit is subject to approval of the site plans by the Board of Zoning Appeals. Site plans shall be drawn to scale and address all the criteria with which the Board of Zoning Appeals may be concerned, as enumerated in Section 11-802 E.

   The Board of Zoning Appeals may attach such conditions to the permit of special exception as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

2. The Board of Zoning Appeals may at its discretion permit county, state or federal uses, public utilities and facilities, cemeteries, philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried on as a business, country clubs provided that a minimum four (4) acre site is provided, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels.

   No permit shall be issued except with the written approval of the Board of Zoning Appeals following approval of site plans drawn to scale that address all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 11-802 E., and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

3. Home Occupations may be permitted by the Board of Zoning Appeals. Before an appeal may be heard, the Building Inspector shall make a determination that the home occupation will meet the following conditions:

   (a) be operated entirely within a dwelling unit and not in an accessory structure;

   (b) be operated only by the person or persons residing within the dwelling unit;

   (c) utilize not more than fifteen (15) percent of the net floor area in the dwelling unit.

   The Board of Zoning Appeals shall determine the criteria for permitting home occupations subject to the foregoing conditions and Section 11-802 E. of the Zoning Ordinance, and the criteria shall be set forth in the application requesting the exception. The criteria shall be designed to enable the Board to determine whether the occupation will generally preserve the character and integrity of the zone, and to enable the Board to place such restrictions upon the permittee as may be consistent with that objective. If the permittee fails to operate the home occupation, as stated in his answers to the application, as amended by the restrictions stated in the permit, the exception may be revoked and the applicant shall be guilty of a misdemeanor.

4. Planned Unit Residential Development (PURD) may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-804.

5. Family Day Care Homes may be permitted by the Board of Zoning Appeals as home occupations subject to the requirements of sub-section 11-1505 B.3. The approval of the required site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, the day care operations approved shall meet the following additional requirements:

   (a) Minimum required lot area.

      (1) Family Day Care Home - 10,000 square feet.

   (b) Minimum required fenced play area.

      (1) Family Day Care Home - 1,400 square feet.

   (c) The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

   (d) All outdoor play activities shall be conducted within the fenced play area.

(e) The family day care home facility maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

6. Telecommunications equipment on Existing Structures only may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

7. Standards for Residential Transient Rental Units - The Board of Zoning Appeals may authorize the issuance of a special use permit for a Bed and Breakfast Inn after first holding a public hearing as provided in this section and subject to the following additional standards:
(Revised per Ordinance 200-19)

(a) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on the premises for permanent residents.

(b) The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(c) Signs identifying Residential Transient Rental Units by dwelling name shall be allowed, so long as they do not exceed three (3) square feet and are non-illuminated. Such Signs can only identify the dwelling and may not advertise the dwelling as any type of Residential Transient Rental Unit.

(d) New Residential Transient Rental Units shall not locate within 300 feet of another Residential Transient Rental Unit.

(e) No more than three (3) bedrooms per property shall be used for lodging in the Residential Transient Rental Units.

(f) Proprietors of the Bed and Breakfast Inn shall also be permanent residents of the property on which it is located. All area and yard requirements of the district must be met.

(g) An accurately drawn scaled plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The scaled plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and other information as be required by the Union City Board of Zoning Appeals.

(h) All applicable Federal, State and Municipal Codes, including fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.

(i) Lodging of guests at the proposed Bed and Breakfast Inn shall be limited to no more than 31 days during any one stay.

(j) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.

(k) No more than two (2) paid staff members/employees are permitted for Residential Transient Rental Units.

C. Uses Prohibited: Any use not specifically listed as permitted or permitted as a special exception by the Board of Zoning Appeals.

D. Location of Accessory Buildings: No accessory building shall be erected in any front yard or any required side yard, except as exempted below. Accessory buildings may be located within any required rear yard, and shall be at least five (5) feet from all rear lot lines and from any other building on the same lot, and shall not cover more than thirty (30) percent of any required rear yard.

Any garage accessory building which was constructed before June 1, 1991 may be permitted to be substantially improved or substantially repaired or reconstructed on the same site, provided that the improvement, repair or reconstruction of any wall adjacent to or nearer than five (5) feet to any property line shall be built to a two hour fire rating, and that any reconstruction shall take place within one year of demolition of the original structure.

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

1. Minimum required lot area.

(a)	Dwelling Units	8,000 sq. ft.
(b)	Churches	20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
(c)	Public Schools	Shall meet the applicable minimum school site acreage standards as established from time to time by the Tennessee State Department of Education.
	Private Schools	Four acres, plus one acre for each 100 students. The Board of Zoning Appeals shall approve requests for more than one ball field or for other accessory uses, such as a stadium, which occupy large amounts of land area. In reviewing such requests, the Board of Zoning Appeals shall be governed by Sections 11-802 E. and 11-1505 B.1. of this Ordinance and shall consider conventionally accepted lot area standards for the proposed accessory use.
(d)	Other Uses	As required by the Board of Zoning Appeals.

(e)	Tiny Houses	2,000 square feet for each dwelling unit. (Added per Ordinance 189-18)

2. Minimum required lot width at the building line.

(a)	Dwellings	50 feet
(b)	Churches	200 feet
(c)	Other Uses	As required by the Board of Zoning Appeals.

3. Minimum required front yard.

(a)	Dwellings	30 feet, provided that the Board of Zoning Appeals may grant a variance of up to fifty (50) percent of the requirement or to the line of adjacent front yards, whichever is less, where the prevailing front yard pattern may warrant, and providing that one front yard on any corner lot may be reduced to fifteen (15) feet.
(b)	Churches	40 feet
(c)	Other Uses	40 feet or more as required by the Board of Zoning Appeals.

4. Minimum required rear yard.

(a)	Dwellings	25 feet
(b)	Churches	30 feet
(c)	Other Uses	20 feet or more as required by the Board of Zoning Appeals.

5. Minimum required side yard on each side of lot.

(a)	Dwellings	8 feet, provided that the building official may permit additions to the principal structure in line with any existing nonconforming side walls with provision that the new construction shall meet fire rating requirements.
(b)	Churches	15 feet
(c)	Other Uses	15 feet or more as required by the Board of Zoning Appeals.

6. Maximum lot coverage by all buildings.

(a)	Dwellings and accessories	35%

(b)	Churches	25%
(c)	Other Uses	50% or less as required by the Board of Zoning Appeals.

7. Maximum permitted height of structures.

   (a) No building, except a sign, shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however; and no sign shall extend or project above the roof line of the principal building upon the lot where the sign is located, provided that on a vacant lot no sign shall exceed ten (10) feet in height.

   (b) On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.

   (c) No accessory building shall exceed two (2) stories in height.

   (d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

11-1506. OTR-2 (Old Town High Density Residential) Districts. Within the OTR-2 (Old Town High Density Residential) Districts, as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply.

A. Uses Permitted:

1. Single-family dwellings, duplex dwellings, multi-family dwellings, and townhouse dwellings.

3. Accessory buildings customarily incidental to any aforementioned permitted use.

4. Signs as permitted by Section 11-1405.

5. Tiny Houses. (Added per Ordinance 189-18)

B. Site Plan Review of Duplex, Townhouse, or Multi-Family Dwellings:

1. Be drawn at a scale of at least 1" = 100'.

2. Include the following:

(a) Name of development and address of owner and/or developer;

(b) Date and approximate north arrow;

(c) Present zoning of the site and surrounding area;

(d) Names of owners of surrounding properties;

(e) The total land area included in the project site;

(f) Number of dwelling units and square feet of floor space;

(g) Existing and proposed street and utility layout, including streets, sidewalks, alleys, water mains, fire hydrants, sewer lines, retaining walls, and other drainage improvements;

(h) All rights-of-way and easement;

(i) Driveways, entrances, exits, and parking spaces;

(j) Natural and artificial water courses, and limits of flood plains, if applicable; and

(k) Recreational areas.

3. Show that the proposed project conforms to the City's Major Road Plan.

4. Provide two spaces for signed approval by the Chairman and Secretary of the Planning Commission.

5. Provide a certificate which states that a stormwater management plan has been approved which demonstrates all applicable stormwater management

regulations are being complied with to be signed by the Stormwater Coordinator. (Added per Ordinance 192-18)

The Planning Commission, in its review and action shall have the power to impose conditions as may be deemed necessary to protect the surrounding neighborhood from traffic congestion or other undesirable conditions. This shall not include the power to regulate the architectural style of buildings or other similar factors not related to the public health, safety and welfare.

The Planning Commission shall review the site plan and make a determination as to approval, disapproval, or approval subject to modifications, within thirty (30) days. If the site plan is disapproval, the reasons for disapproval shall be stated in writing. If approved subject to modifications, the nature of the required changes shall be stated in writing.

C. Special Exceptions:

1. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way.

   The above uses are permitted as a matter of right, provided however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. Site plans shall be drawn to scale and address all the criteria with which the Board of Zoning Appeals may be concerned, as enumerated in Section 11-802 E.

   The Board of Zoning Appeals may attach such conditions to the permit of special exception as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

2. The Board of Zoning Appeals may at its discretion permit county, state or federal uses, public utilities and facilities, cemeteries, philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried on as a business, country clubs provided that a minimum four (4) acre site is provided, customary general farming uses, gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels.

   No permit shall be issued except with the written approval of the Board of Zoning Appeals following approval of site plans drawn to scale that address all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 11-802 E., and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

3. Home Occupations may be permitted by the Board of Zoning Appeals. Before an appeal may be heard, the Building Inspector shall make a determination that the home occupation will meet the following conditions:

   (a) be operated entirely within a dwelling unit and not in an accessory structure;

   (b) be operated only by the person or persons residing within the dwelling unit;

   (c) utilize not more than fifteen (15) percent of the net floor area in the dwelling unit.

   The Board of Zoning Appeals shall determine the criteria for permitting home occupations subject to the foregoing conditions and Section 11-802 E. of the Zoning Ordinance, and the criteria shall be set forth in the application requesting the exception. The criteria shall be designed to enable the Board to determine whether the occupation will generally preserve the character and integrity of the zone, and the permittee as may be consistent with that objective. If the permittee fails to operate the home occupation, as stated in his answers to the application, as amended by the restrictions stated in the permit, the exception may be revoked and the applicant shall be guilty of a misdemeanor.

4. Planned Unit Residential Development (PURD) may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-804.

5. Family Day Care Homes may be permitted by the Board of Zoning Appeals as home occupations subject to the requirements of sub-section 11-1506 C.3. The approval of the required site plan may be subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. At a minimum, the day care operations approved shall meet the following additional requirements:

   (1) Minimum required lot area.

      (a) Family Day Care Home - 10,000 square feet.

   (2) Minimum required fenced play area.

      (a) Family Day Care Home - 1,400 square feet.

   (3) The Board of Zoning Appeals shall also specifically address the need for set back of fenced play area and buffering of the fenced play area, and may require set back and/or buffering in specific cases to protect adjacent residential uses.

   (4) All outdoor play activities shall be conducted within the fenced play area.

(5) The family day care home facility maintenance and operation shall meet the requirements of the Tennessee Department of Human Services.

6. Telecommunications equipment on Existing Structures only may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

7. Standards for Residential Transient Rental Units - The Board of Zoning Appeals may authorize the issuance of a special use permit for a Bed and Breakfast Inn after first holding a public hearing as provided in this section and subject to the following additional standards:
(Revised per Ordinance 200-19)

(a) A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on the premises for permanent residents.

(b) The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.

(c) Signs identifying Residential Transient Rental Units by dwelling name shall be allowed, so long as they do not exceed three (3) square feet and are non-illuminated. Such Signs can only identify the dwelling and may not advertise the dwelling as any type of Residential Transient Rental Unit.

(d) New Residential Transient Rental Units shall not locate within 300 feet of another Residential Transient Rental Unit.

(e) No more than three (3) bedrooms per property shall be used for lodging in the Residential Transient Rental Units.

(f) Proprietors of the Bed and Breakfast Inn shall also be permanent residents of the property on which it is located. All area and yard requirements of the district must be met.

(g) An accurately drawn scaled plan shall be presented to the Board of Zoning Appeals at least (10) days prior to the meeting. The scaled plan shall show the location of the principal building, off street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and other information as be required by the Union City Board of Zoning Appeals.

(h) All applicable Federal, State and Municipal Codes, including fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.

(i) Lodging of guests at the proposed Bed and Breakfast Inn shall be limited to no more than 31 days during any one stay.

(j) The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which will be necessary to carry out the intent of the Zoning Ordinance.

(k) No more than two (2) paid staff members/employees are permitted for Residential Transient Rental Units.

D. Uses Prohibited: Any use not specifically listed as permitted or permitted as a special exception by the Board of Zoning Appeals.

E. Location of Accessory Buildings: No accessory building shall be erected in any front yard or any required side yard, except as exempted below. Accessory buildings may be located within any required rear yard, and shall be at least five (5) feet from all rear lot lines and from any other building on the same lot, and shall not cover more than thirty (30) percent of any required rear yard.

Any garage accessory building which was constructed before June 1, 1991 may be permitted to be substantially improved or substantially repaired or reconstructed on the same site, provided that the improvement, repair or reconstruction of any wall adjacent to or nearer than five (5) feet to any property line shall be built to a two hour fire rating, and that any reconstruction shall take place within one year of demolition of the original structure.

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

1. Minimum required lot area.

(a)	Dwelling units, except townhouses	4,000 sq. ft. minimum, 2,600 square feet for each unit of a multiple unit development on a single lot.
(b)	Townhouse Dwelling	2,600 square feet per unit
(c)	Churches	20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
(d)	Public Schools	Shall meet the applicable minimum school site acreage standards as established from time to time by the Tennessee State Department of Education.
	Private Schools	Four acres, plus one acre for each 100 students. The Board of Zoning Appeals shall approve requests for more than one ball field or for other accessory uses, such as a stadium, which occupy large amounts of land area. In reviewing such requests, the Board of Zoning Appeals shall be

		governed by Sections 11-802 E. and 11-1506 C.1. of this Ordinance and shall consider conventionally accepted lot area standards for the proposed accessory use.
(e)	Other Uses	As required by the Board of Zoning Appeals.
(f)	Tiny Houses	2,000 square feet for each dwelling unit. (Added per Ordinance 189-18)

2. Minimum required lot width at the building line.

(a)	Dwellings, except townhouses	50 feet
(b)	Townhouse dwellings	20 feet per unit plus required yards
(c)	Churches	100 feet
(d)	Other Uses	As required by the Board of Zoning Appeals.

3. Minimum required front yard.

(a)	Dwellings	20 feet, provided that the Board of Zoning Appeals may grant a variance of up to fifty (50) percent of the requirement or to the line of adjacent front yards, whichever is less, where the prevailing front yard pattern may warrant, and providing that one front yard on any corner lot may be reduced to ten (10) feet.
(b)	Churches	30 feet
(c)	Other Uses	20 feet or more as required by Board of Zoning Appeals.

4. Minimum required yard.

(a)	Dwellings	20 feet
(b)	Churches	25 feet
(c)	Other uses	15 feet or more as required by the Board of Zoning Appeals.

5. Minimum required side yard on each side of lot.

(a)	Dwellings	Seven (7) feet, provided that the building official may permit

		additions to the principal structure in line with any existing nonconforming side walls with provision that the new construction shall meet fire rating requirements; and provided that no side yard is required for townhouse dwellings with adjoining walls.
(b)	Churches	10 feet
(c)	Other Uses	10 feet or more as required by the Board of Zoning Appeals.

6. Maximum lot coverage by all buildings.

(a)	Dwelling and accessories	40%
(b)	Churches	30%
(c)	Other Uses	50% or less as required by the Board of Zoning Appeals.

7. Maximum permitted height of structures

(a) No building, except a sign, shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet however; and no sign shall extend or project above the roof line of the principal building upon the lot where the sign is located, provided that on a vacant lot no sign shall exceed ten (10) feet in height.

(b) On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.

(c) No accessory building shall exceed two (2) stories in height.

(d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and, provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

CHAPTER 16

PROVISIONS GOVERNING HOSPITAL - MEDICAL DISTRICTS

SECTION

11-1601. H-M (Hospital-Medical) Districts.

11-1601. H-M (Hospital-Medical) Districts. Within the H-M (Hospital) District as shown on the Zoning Map Union City, Tennessee, the following regulations shall apply:

A. Procedures:

1. Before a permit is issued for any permitted use listed in Subsection 2. the site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to imposed conditions regarding the location of buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.

2. In order that the Planning Commission may make an accurate determination of the character of the proposed use and compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, at a scale of not less than one hundred (100) feet to one (1) inch, illustrating the proposed development including, but not limited to, the following:

(a) A survey, certified by a registered land surveyor showing property boundary lines and dimensions; the gross land area of the site; existing and proposed utilities; and easements, streets and roadways; railroad rights-of-way, and public rights-of-way crossing and adjacent to the subject property;

(b) Location, size, and arrangement of proposed building and existing buildings which will remain, if any, including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and total square feet of ground area coverage of buildings; and the front (street elevation) of proposed buildings;

(c) The proposed use of buildings;

(d) Location, dimensions and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;

(e) Any proposed regrading of the site and any significant natural topographical or physical features of the site, including, at least, water courses and trees;

(f) Existing and proposed surface and subsurface drainage facilities;

(g) Location, size and arrangement of all outdoor signs and lighting;

(h) Landscaping, and the location and height of fences or screen plants and the type or kind of building materials or plantings to be used for fencing or screening;

(i) The name, address, and telephone number of the applicant, owner, if different from the applicant.

(j) Provide a certificate which states that a stormwater management plan has been approved which demonstrates all applicable stormwater management regulations are being complied with to be signed by the Stormwater Coordinator. (Added per Ordinance 192-18)

B. Uses Permitted:

1. Hospitals, sanitariums, short-term facilities for care; nursing, convalescent and rest homes, and rehabilitation centers.

2. Clinics and medical offices for physicians, dentists, optometrists and other health care practitioners;

3. Clinical laboratories and public health administration offices, and medical and other technical services related to human care;

4. Pharmacies devoted to the preparation and retailing of drugs, medicines, and surgical and orthopedic supplies;

5. Accessory uses, limited to the sale of food, beverage, periodicals, and tobacco, for the convenience of employees, patients, and visitors, provided they are located within a permitted use. Advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such buildings. Access to any room or enclosure set aside for such sales shall be from the interior of the building only. Accessory buildings customarily incidental to permitted uses shall be allowed.

6. Signs as permitted by Section 11-1405.

7. Professional Offices (Added per Ordinance 193-18)

C. Medical Exceptions: None

D. Uses Prohibited: Any use not specifically permitted in this section.

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

1. Minimum required lot area.

(a) Hospitals, sanitariums, short-term care facilities,

	nursing, convalescent, and rest homes, rehabilitation centers.	5 acres
(b)	Other Uses	10,000 sq. ft.

2. Minimum required lot width at building line.

(a)	Hospitals, sanitariums, short-term care facilities, nursing, convalescent, and rest homes, rehabilitation centers.	300 feet
(b)	Other uses	100 feet

3. Minimum required front yard.

All uses	40 feet

4. Minimum required rear yard

All uses	30 feet

5. Minimum required side yard on each side of lot.

(a)	All uses	10 feet

(b) On lots adjacent to a residential district all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district on the side adjoining the residential district.

6. Maximum permitted lot coverage by all buildings.

All uses	40%

7. Maximum permitted height of structures.

(a) No principal building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet maximum, provided that no sign shall exceed twenty (20) feet in height.

(b) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.

(c) No accessory building shall exceed two (2) stories in height.

(d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all

other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

CHAPTER 17

PROVISIONS GOVERNING BUSINESS DISTRICTS

SECTION

11-1701. B-1 (Local Business) Districts. (Revised per Ordinance 135-14)

11-1702. B-2 (Intermediate Business) Districts.

11-1703. B-3 (Central Business) Districts. (Revised per Ordinance 227-21)

11-1704. B-M (Business-Industrial) Districts.

11-1705. B-R (Business-Recreation) Districts (Updated per Ordinance 070-09) (Revised per Ordinance 136-14)

11-1701. B-1 (Local Business) Districts. Within the B-1 (Local Business) Districts as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply:

A. Uses Permitted:

1. Retail sales: bakery and dairy products; drugs, and pharmaceuticals; florist shops; gift shops; book store; groceries; hardware; hobby shops; and camera shop.

2. Services: Banks, savings and loan associations; barber shops; beauty shops; business and professional offices (Added per Ordinance 135-14); funeral homes; taxi stations; car washes; automobile service stations; but not including independent repair garages; laundry and dry cleaning facilities; medical offices; radio and television sales and service; shoe repair; and restaurants.

3. Churches; and, federal, state and municipal uses.

4. Signs as permitted by Section 11-1405.

5. Any accessory use or building customarily incidental to the above permitted uses.

6. Dwelling units on floors other than the ground or basement floor; provided that the owner of the building in which the dwelling unit or units is to be located has received written approval from the Department of Planning and Code Enforcement that the entire building in which the dwelling unit or units is to be located conforms to all applicable city building and fire codes.

7. Minimum conditions for operation of day care centers, group day care homes and family day care homes:

(a) A fenced play area of not less than two thousand (2,000) sq. ft. shall be provided for the first twenty (20) or less children, with one hundred (100) sq. ft. for each additional child.

(b) No portion of the fenced play area shall be closer than ten- (10) ft. to any lot line, nor closer than twenty (20) ft. to any public street.

(c) A screen shall be provided between fenced play area and lot lines in such locations.

(d) All outdoor play activities shall be conducted within the fenced play area.

(e) In order t6hat the Building Inspector may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

(f) The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.

B. Special Exceptions: The Board of Zoning Appeals may permit other uses not specifically permitted upon making a finding that such uses are similar in character to those permitted and will not be detrimental to the district in which located, subject to such conditions and safeguards that the Board of Zoning Appeals may attach.

Telecommunications Equipment on existing Structures only may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

C. Uses Permitted: Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals.

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

1. Minimum required lot area.

(a)	Churches	15,000 square feet or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
(b)	Other Uses	No minimum requirement

2. Minimum required lot width at the building line.

(a)	Gasoline service stations	120 ft.
(b)	Churches	60 ft.
(c)	Other uses	No minimum requirement

3. Minimum required front yard

(a)	Churches	30 ft.
(b)	Other Uses	25 ft.

4. Minimum required rear yard 20 ft.

5. Minimum required side yard on each side of lot

(a)	Churches	15 feet.
(b)	Other uses	None - when provided, (5) feet is required.

(c) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district on the side adjoining the residential district.

(d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

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

6. Maximum permitted height of structures.

(a) No principal building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet maximum, provided that no sign shall exceed twenty (20) feet in height and shall not extend or project above the roof line of the principal building.

(b) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.

(c) No accessory building shall exceed two (2) stories in height.

(d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

11-1702. B-2 (Intermediate Business) Districts. Within the B-2 (Intermediate Business) District as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply:

A. Uses Permitted:

1. Retail sales: automobile sales; automobile parts; bakery and dairy products; drugs and pharmaceuticals; florist shops; gift shops; book stores; newspaper stand; groceries; hardware; boats and boating equipment; sporting goods; mobile home sales; paint and wallpaper; agricultural implements; furniture; household appliances; floor covering and draperies; and nursery and greenhouse.

2. Services: automobile repair; animal hospital or veterinarian clinic; bus passenger station; taxi station; commercial recreation; banks; savings and loan associations; barber shops; beauty shops; funeral home; automobile service station; car washes; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair; motels and hotels; restaurants; day care centers; family day care homes; group day care homes; and personal mini-storage or mini-warehousing.

3. Churches; and, federal, state and municipal uses.

4. Signs as permitted by Section 11-1405.

5. Lodge hall or private club.

6. Any accessory use or building customarily incidental to the above permitted uses.

7. Minimum conditions for operation of day care centers, group day care homes, and family day care homes:

(a) A fenced play area of not less than four thousand (4,000) sq. ft. shall be provided for the first twenty (20) or less children, with two hundred (200) sq. ft. for each additional child.

(b) No portion of the fenced play area shall be closer than ten (10) ft. to any residential lot line, nor closer than twenty (20) ft. to any public street.

(c) A vegetative screen shall be provided between fenced play area and residential lot lines in such locations.

(d) All outdoor play activities shall be conducted within the fenced play area.

(e) In order that the Building Inspector may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

(f) The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.

8. Adult Oriented Businesses: Adult oriented businesses as defined in Chapter 13 of this ordinance may be permitted provided that the following safeguards and restrictions are met:

(a) The Union City Planning Commission is hereby mandated to impose the following restrictions on the location of adult entertainment establishments:

(i) No adult entertainment establishment shall be permitted to locate within seven hundred and fifty (750) feet of any pre-established residential use of any zoning district which is zoned for residential use. For the purpose of this section districts zoned for residential use include (R-1, R-2, R-3, OTR-1, and OTR-2).

(ii) No adult entertainment establishment shall be permitted to locate within seven hundred and fifty (750) feet from pre-existing public or private school, child-care facility or established place of worship.

(iii) No adult entertainment establishment shall be permitted to locate within seven hundred and fifty (750) feet from a public park, public space or other similar open space, which caters to family groups and children.

(iv) No adult entertainment establishment shall be permitted to locate within seven hundred and fifty (750) feet from any other adult entertainment business.

(v) No adult entertainment shall be permitted to locate within seven hundred and fifty (750) feet from any liquor store.

(vi) For the purpose of this section, measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the proposed building housing the adult entertainment business to the nearest portion of the exterior wall of the existing specified business or land use, or to the nearest residential zoning district line, as appropriate.

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

(c) Signs
As regulated in Section 11-405 of this Ordinance.

B. Special Exceptions: The Board of Zoning Appeals may permit other uses not specifically permitted upon making a finding that such uses are similar in character

to those permitted and will not be detrimental to the district in which located, subject to such conditions and safeguards that the Board of Zoning Appeals may attach

Telecommunications Equipment on Existing Structures only may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805..

C. Uses Prohibited: Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals.

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

1. Minimum required lot area.

(a)	Churches	15,000 sq. feet.
(b)	Other Uses	No minimum requirement

2. Minimum required lot width at the building line.

(a)	Gasoline service station	120 feet
(b)	Churches	100 feet
(c)	Other Uses	No minimum requirements

3. Minimum required front yard.

All Uses	20 feet

4. Minimum required rear yard.

All Uses	20 feet

5. Minimum required side yard on each side of lot.

(a)	Churches	15 feet
(b)	Other Uses	None - when provided, five (5) feet is required

(c) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district.

6. Maximum permitted height of structures.

(a) No principal building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet maximum, provided that no sign shall exceed forty (40) feet in height.

(b) On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.

(c) No accessory building shall exceed two (2) stories in height.

(d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

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

F. Procedure and Requirements for a Site Plan.

1. Before a permit is issued for any use permitted by right or on appeal, a site plan for the proposed development shall be submitted for review and approval by the City Manager or his designee.

If there are any issues in the site plan which cannot be resolved with administrative site plan review, the City Manager or his designee shall act to refer the site plan to the Planning Commission for review and approval. The Planning Commission shall have the power to impose conditions regarding the location of buildings, parking, access, fencing, screening, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with existing nearby uses.

2. In order to make an accurate determination of the design and compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan at a scale not less than one (1) inch equals one hundred (100) feet, showing all required design elements of the site including, but not necessarily limited to, the following:

(a) a survey plot certified by a registered land surveyor showing land area and all property lines and dimensions, and existing or proposed easements, utilities, right-of-ways street centerlines, drainage ways and other pertinent physical information on or adjacent to the site, provided that the City Manager or his designee may waive the requirement for a certified survey upon finding that existing information for the site allows proper determination and judgement of design;

(b) topographic contours at two foot intervals, provided that the City Manager or his designee may waive this requirement upon finding that drainage elements of the design may be adequately determined and judged from alternate information;

(c) Location, size, and arrangement of proposed buildings and existing buildings, including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings, and total land area covered by buildings;

(d) the proposed use of buildings and land;

(e) location and dimensions of all parking spaces, parking drives, sidewalks, and access points to streets;

(f) any proposed regrading of the site and any significant natural, topographical or physical features of the site, including at least water courses and large trees;

(g) existing and proposed surface and subsurface drainage facilities;

(h) Location, size, design and arrangement of all outdoor signs and lighting;

(i) Landscaping, and the design of any fencing, screening or buffering;

(j) The name, address, and telephone number of the applicant, and owner, and preparer of the site plan.

(k) Provide a certificate which states that a stormwater management plan has been approved which demonstrates all applicable stormwater management regulations are being complied with to be signed by the Stormwater Coordinator. (Added per Ordinance 192-18)

The Planning Commission, upon referral, may make other requirements for information when necessary for the proper review and judgement of the site plan.

3. The City Manager or his designee shall act upon any application within ten (10) working days of receipt of a site plan. Upon referral and first consideration at a scheduled meeting, the Planning Commission shall act upon any application within thirty-five (35) days from the date of the first meeting at which a complete and properly prepared site plan is presented. Failure to act within these time periods shall constitute approval of the site plan, unless an extension is agreed to by the applicant. When a site plan is denied, the reasons for such action shall be stated in writing to the applicant. When a site plan is approved upon referral to the Planning Commission, and such approval is conditioned upon specific revisions or addition of design elements, the conditions shall be stated in writing to the applicant and entered in the official records and minutes of the Planning Commission.

4. Notwithstanding above requirements, the requirement for a formal site plan may be waived by the City Manager or his designee if the floor area added tin any one calendar year to existing structures within a single site does not exceed 500 square feet, and the cumulative additions do not encroach upon required parking.

11-1703. B-3 (Central Business) Districts. Within the B-3 (Central Business) Districts as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply:

A. Uses Permitted:

1. Retail Sales: bakery and dairy products; drugs and pharmaceuticals; florist shops; gift shops; book stores; groceries; hardware; clothing and dry goods; hobby shops; camera shops; sporting goods; paint and wallpaper; furniture; household appliances; floor coverings and draperies; hats; shoes; air-conditioning equipment; automobile parts; tires; jewelry stores; cloth shops; musical instruments; records and phonographs; motorcycle and bicycle sales and service; department stores and general merchandise; and variety stores.

2. Services: banks, savings and loan associations; barber shops; beauty shops; laundry and dry cleaning pickup station; self-service laundry and dry cleaning; printing; business and professional offices; radio and television sales and services; upholstery shops; commercial recreation, movie theaters and billiard parlors; commercial schools; music schools; beauty and barber schools; dancing schools; tailoring and dressmaking; watch repair; bus passenger station; and taxi stations; shoe repair; hotels and motels; restaurants; and photography studios.

3. Churches; clubs and lodge halls, federal, state and municipal uses.

4. Signs as permitted by Section 11-1405.

5. Any accessory use or building customarily incidental to the above permitted uses.

6. Section deleted (Removed per Ordinance 227-21)

7. Non-store front dwelling units provided that the owner of the building in which the dwelling unit or units is to be located has received written approval from the Department of Planning and Code Enforcement that the entire building in which the dwelling unit or units is to be located conforms to all applicable city building and fire codes. Non-store front dwelling units must either be on floors other than the ground floor, or on the ground floor but in a portion of the building separated from the store front. Such units must have ingress/egress which is separate from that of the store front. All store fronts associated with non-store front dwelling units must be used for commercial purposes and may not be converted to dwelling units. The ground floor commercial use of such property must total at least 50 percent of the total ground floor. However, the store front/commercial use may be reduced to less than 50 percent of the ground floor area if it is confirmed by the Department of Planning and Code Enforcement that both the commercial and residential uses meet minimum occupancy standards. (Added per Ordinance 227-21)

8. Minimum conditions for operation of day care centers, group day care homes, and family day care homes:

(a) A fenced play area of not less than four thousand (4,000) sq. ft. shall be provided for the first twenty (20) or less children, with two hundred (200) sq. ft. for each additional child.

(b) No portion of the fenced play area shall be closer than ten (10) ft. to any residential lot line, nor closer than twenty (20) ft. to any public street.

(c) A vegetative screen shall be provided between fenced play area and residential lot lines in such locations.

(d) All outdoor play activities shall be conducted within the fenced play area.

(e) In order that the Building Inspector may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

(f) The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.

B. Special Exceptions: The Board of Zoning Appeals may permit other uses not specifically permitted upon making a finding that such uses are similar in character to those permitted and will not be detrimental to the district in which located subject to such conditions and safeguards that the Board of Zoning Appeals may attach.

Telecommunication Equipment on Existing Structures only may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

C. Uses Prohibited: Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals.

D. Maximum Permitted Height of Structures: No building shall exceed sixty-five (65) feet in height, except that free standing poles, spires, towers, antennae, and similar structures not designed for or suitable to human occupancy, may exceed the height provisions of this Ordinance provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

E. Operating Standards: Any permitted uses shall be carried on in such a manner as not to produce offensive noise, dirt, odor, glare, or heat outside the property lines of the lot occupied by such use.

11-1704. B-M (Business-Industrial) - Districts. Within the B-M (Business-Industrial) Districts as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply:

A. Uses Permitted:

1. Retail sales: automobile sales; automobile parts; bakery and dairy products; drugs and pharmaceuticals; florist shops; gift shops; book stores; newspaper stand; groceries; hardware; boats and boating equipment sporting goods; mobile home sales; paint and wallpaper; agricultural implements; furniture; household appliances; floor coverings and draperies; plumbing, electrical, and industrial supplies; and nursery and greenhouse.

2. Services: automobile repair; animal hospital or veterinarian clinic; bus passenger station; commercial recreation; banks; savings and loan association; barber shops; beauty shops; funeral home; automobile service station; car washes; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair; motels and hotels; restaurant.

3. Manufacturing, processing or fabrication: garment; bakery products; bottling plants; candy and confectioneries; leather gloves and mittens; luggage; handbags and other personal leather goods; glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware, platted ware, tire recapping and sign shops.

4. Federal, state and municipal uses.

5. Signs as permitted by Section 11-1405.

6. Manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than ten (10) operatives are employed in such manufacture.

7. Warehouses, terminal or storage operations, but not including gravel, sand, or the outdoor bulk, or unpackaged storage or stockpiling of fertilizers or other nuisance producing goods.

8. Any accessory use or building customarily incidental to the above permitted uses.

B. Special Exceptions: The Board of Zoning Appeals may permit other uses not specifically permitted upon making a finding that such conditions and safeguards that the Board of Zoning Appeals may attach.

Telecommunication Equipment on Existing Structures only may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

1. Apartments provided all of the following conditions are met:
(Added per Ordinance 188-18)

(a) Apartments shall be located either above the ground floor or in the rear portion of a commercial, service, or manufacturing structure.

(b) A floor layout is designed that ensures adequate living space and a separate outside entrance from the commercial, service, or manufacturing entrance.

(c) No more than one (1) apartment shall be allowed on the ground floor in any one (1) building.

(d) The use must meet the parking requirements of this ordinance.

(e) The character of the building as a commercial, service, or manufacturing structure shall not be changed by the addition of the apartment(s).

(f) Ground floor apartments can occupy no more than thirty-five percent of the floor's square footage.

(g) The occupants of any accessory apartment must be a principal (and include immediate family members) of the commercial, service, or manufacturing principal use on the property.

(h) A site plan and floor layout shall be presented for review by the Board of Zoning Appeals to ensure the provisions of 1 through 7 above are met.

C. Uses Prohibited: Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals.

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

1. Minimum required lot area:

All uses	No minimum requirement

2. Minimum required lot width at the building line.

All uses	No minimum requirement

3. Minimum required front yard

All uses	30 feet

4. Minimum required rear yard

All uses	20 feet

5. Minimum required side yard on each side of lot.

(a)	All uses	None - when provided, five (5) feet is required.

(b) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district on the side adjoining the residential district.

(c) No accessory building shall exceed two (2) stories in height.

(d) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy many exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

6. Maximum permitted height of structures.

No principal building shall exceed three (3) stories or thirty-five (35) feet in height unless each rear yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet maximum, provided that no sign shall exceed forty (40) feet in height.

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

F. Procedure and Requirements for a Site Plan.

1. Before a permit is issued for any use permitted by right or on appeal, a site plan for the proposed development shall be submitted for review and approval by the City Manager or his designee.

If there are any issues in the site plan which cannot be resolved with administrative site plan review, the City Manager or his designee shall act to refer the site plan to the Planning Commission for review and approval. The Planning Commission shall have the power to impose conditions regarding the location of buildings, parking, access, fencing, screening, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with existing nearby uses.

2. In order to make an accurate determination of the design and compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan at a scale not less than one (1) inch equals one hundred (100) feet, showing all required design elements of the site including, but not necessarily limited to, the following:

(a) a survey plot certified by a registered land surveyor showing land area and all property lines and dimensions, and existing or proposed easements, utilities, right-of-ways street centerlines, drainage ways and other pertinent physical information on or adjacent to the site, provided that the City Manager or his designee may waive the requirement for a certified survey upon finding that existing

information for the site allows proper determination and judgement of design;

(b) topographic contours at two foot intervals, provided that the City Manager or his designee may waive this requirement upon finding that drainage elements of the design may be adequately determined and judged from alternate information;

(c) Location, size, and arrangement of proposed buildings and existing buildings, including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings, and total land area covered by buildings;

(d) the proposed use of buildings and land;

(e) location and dimensions of all parking spaces, parking drives, sidewalks, and access points to streets;

(f) any proposed regrading of the site and any significant natural, topographical or physical features of the site, including at least water courses and large trees;

(g) existing and proposed surface and subsurface drainage facilities;

(h) Location, size, design and arrangement of all outdoor signs and lighting;

(i) Landscaping, and the design of any fencing, screening or buffering;

(j) The name, address, and telephone number of the applicant, and owner, and preparer of the site plan.

(k) Provide a certificate which states that a stormwater management plan has been approved which demonstrates all applicable stormwater management regulations are being complied with to be signed by the Stormwater Coordinator. (Added per Ordinance 192-18)

The Planning Commission, upon referral, may make other requirements for information when necessary for the proper review and judgement of the site plan.

3. The City Manager or his designee shall act upon any application within ten (10) working days of receipt of a site plan. Upon referral and first consideration at a scheduled meeting, the Planning Commission shall act upon any application within thirty-five (35) days from the date of the first meeting at which a complete and properly prepared site plan is presented. Failure to act within these time periods shall constitute approval of the site plan, unless an extension is agreed to by the applicant. When a site plan is denied, the reasons for such action shall be stated in writing to the applicant. When a site plan is approved upon referral to the Planning Commission, and such approval is conditioned upon specific revisions or addition of design elements, the conditions shall be stated in writing to the applicant and entered in the official records and minutes of the Planning Commission.

4. Notwithstanding above requirements, the requirement for a formal site plan may be waived by the City Manager or his designee if the floor area added in any one calendar year to existing structures within a single site does not exceed 500 square feet, and the cumulative additions do not encroach upon required parking.

11-1705. B-R (Business - Recreation) Districts. The purpose of the Business-Recreation District is to provide for large-scale development in a manner that encourages creative site planning in order to enhance the appearance and the economic health of that area of the City of Union City and Obion County through which the Interstate 69 creates a corridor with distinctive characteristics. Whenever feasible, developments within this district should have public access via marginal access (service) or frontage roads. (Revised per Ordinance 136-14)

A. General Provisions

1) Any outdoor storage of materials and goods must be appropriately screened. (Revised per Ordinance 136-14)

2) All outdoor refuse-collection areas shall be visually screened from the street and adjacent property. No refuse-collection areas will be permitted between the street and the building.

B. Uses Permitted

1) Principal Uses

a. Cultural Activities;
   - i) museums
   - ii) art galleries
   - iii) libraries
   - iv) tourist centers
   - v) aquariums
   - vi) planetariums
   - vii) botanical gardens
   - viii) zoos

b. Amusements
   - i) amusement parks
   - ii) miniature golf
   - iii) golf driving ranges

c. Recreational Activities
   - i) golf courses
   - ii) playgrounds
   - iii) gymnasiums and athletic clubs
   - vi) playfields or athletic fields

d. Public Assembly
   - i) amphitheaters
   - ii) auditoriums
   - vi) exhibition halls

e. Transient Lodging
   - i) hotels

f. Limited Retail
   i) restaurants
   ii) fueling service stations **(not to include tractor-trailer stops)**
   iii) souvenir shops
   iv) lifestyle centers and open-air outlet malls **(not to include strip mall developments)** (Revised per Ordinance 136-14)

g. Miscellaneous services (Religious)
   i) churches
   ii) synagogues
   iii) temples
   iv) mosques

h. Professional and Administrative office buildings

i. Federal, state and municipal uses

2) Accessory Uses
   a. private parking garages accessory to allowed principal uses;
   b. indoor storage of materials and products accessory to allowed principal uses.

C. Special Exceptions
1) Research laboratories;
2) Passenger transportations terminals
3) Recreational Vehicle (RV) parks provided the following requirements are met: (Added per Ordinance 204-19)

(a) Location. It shall be unlawful for any RV to be occupied outside of any approved RV park. This provision shall not apply to the storage of RVs provided such RV is neither temporarily nor permanently occupied as a living unit while in storage.

(b) Access. No RV park shall be located except with direct access to an arterial or collector status street. No entrance or exit from an RV park shall be through any residential district via a local residential street.

(c) Site Condition. Condition of soil, groundwater 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, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

(d) Minimum Site Area and Maximum Number of Spaces.

1. Each parcel of land to be used for an RV park shall have a minimum site area of four (4) acres.

2. There shall be no more than ten (10) spaces per acre of land within the RV park.

(e) Spaces for Occupancy and Lengths of Stay. Spaces in RV parks may be used by only by RVs (as specified in the definition of "recreational vehicle"). The occupant of such space shall not remain in the same RV park more than sixty (60) days.

(f) Standards for RV Spaces.

1. Minimum Size.

a. All spaces shall have a minimum area of 1,800 square feet with a minimum width of 20 feet and a minimum length of 60 feet.

b. Each space shall be designed so that any two RVs will have a minimum separating distance of 10 feet.

2. Access. Each RV space shall abut at least one internal street within the boundaries of the RV park and access to each RV space shall be only from an internal street.

3. Setback Requirements. No part of an RV placed on a space shall be closer than five (5) feet to any space line and ten (10) feet to any internal street line.

(g) Streets and Parking.

1. Entrance and exits to RV parks shall be designed for safe and convenient movement of traffic into and out of the park.

2. No entrance or exit shall require a turn at more than a ninety (90) degree angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such to facilitate easy turning movements for vehicles with trailers or cars attached.

3. Access to the park shall be located so as to provide an unobstructed view of the oncoming traffic from both directions for at least the minimum sight stopping distance as determined by the design and speed limit of the abutting street.

4. Width of Streets.

a. Internal streets in a travel trailer park shall be private and shall have a minimum paved width as follows:

One-Way - with no on-street parking	12'
One-Way - with parallel parking on one side only	18'
One-Way - with parallel parking on both sides	26'
Two-Way - with no on-street parking	20'
Two-Way - with parallel parking on one side only	28'
Two-Way - with parallel parking on both sides	36'

5. Street Surfacing

All streets shall be paved with an asphalt wearing surface with a depth of at least two inches. A pavement base shall be provided beneath the wearing surface comprised of compacted gravel which is of a minimum depth of six inches.

6. Parking

a. Each RV park shall have off-street parking pads for both travel trailer or RV and a towing or towed vehicle.

b. The pads shall be paved.

(h) Restroom Facilities. Restroom facilities shall be provided. Such facility shall be connected to a public sewer system.

(i) Refuse Disposal. Each space shall be provided with fly-proof, water-tight containers for the disposal of refuse. This provision may be waived if a central collection facility is provided. Refuse for the sites shall be collected at least once a day.

(j) Sanitary Dumping Stations. RV parks shall be required to provide at least one (1) sanitary dumping station. Said sanitary dumping station shall be designed to properly receive the discharge of wastewater from any holding tank or similar device installed in any RV and having a means of discharging the contents, in an acceptable manner, to an approved wastewater disposal or septic system. Sanitary dumping stations shall be approved by the Tennessee Department of Environment and Conservation.

(k) Landscaping and Screening. Around the perimeter of a RV park, fences, walls, or screening shall be provided to protect occupants from undesirable views, or to protect occupants of adjoining residential districts as follows:

1. Where a park adjoins a public street along boundaries a suitably landscaped yard at least twenty-five (25) feet in depth shall be provided along such streets.

2. Where a park adjoins a residential zoning district or residentially used property a suitably landscaped yard at least twenty (20) feet in depth shall be provided adjacent to such boundaries.

3. Where a park adjoins non-residential a suitably landscaped yard at least ten (10) feet in depth shall be provided adjacent to such boundaries.

4. Greater depth area or approved landscaping and screening may be required in any perimeter boundary.

(l) Open Space and Recreation Requirements

1. A minimum of five (5) percent of the total land area of a RV park shall be devoted to common open space and may be used for common recreational activities.

2. The following standards apply to open space used for recreation purposes:

a. Approved recreational areas shall be exclusive of travel trailer spaces, buffer strips, street right-of-way, and storage areas.

b. Recreational areas shall be easily accessible to all park users and management.

c. Although the required space for recreational uses may be met through more than one recreation site, the minimum size of any such area shall be 2,000 square feet.

(m) Permit for RV Park. No place or site within the City shall be established or maintained as a RV park unless a valid permit has been issued for a such a park by the Building Inspector.

(n) Inspections by Building Inspector. In order to safeguard the health and safety of the occupants of RV parks and of the general public, the Building Inspector shall make inspections as necessary to determine the condition of such parks. The Building Inspector shall also have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Section.

The Board of Zoning Appeals may permit other uses not specifically permitted upon making a finding that such uses are similar in character to those permitted and will not be detrimental to the district in which located, subject to such conditions and safeguards that Board of Zoning Appeals may attach.

D. Prohibited Uses

Any use not specifically mentioned in the permitted uses.

E. Dimensional and Density Requirements

1)	Minimum lot size	1 acres (Revised per Ordinance 136-14)
2)	Minimum frontage	100 feet
3)	Maximum lot coverage including all buildings, driveways, parking areas	80 percent (Revised per Ordinance 136-14)
4)	Maximum height	140 feet (excluding accessory structures such as steeples, spires, & etc.) 200 feet (including accessory structures such as steeples, spires & etc.)
5)	Setbacks	
	a. from any abutting residential district	100 feet (except that where the abutting land has conservancy restrictions on the deed, the Board of Zoning Appeals may grant a variance for a setback of less than 100 feet
	b. from any public street line or highway setback	(Revised per Ordinance 136-14) 50 feet

The Planning Commission may reduce the required setback to a distance of 10 feet to necessitate appropriate development if all other minimum zoning requirements can be met on site, not to include minimum parking requirements. Minimum parking requirements

would need to be met either wholly or partially elsewhere on-site, through suitable on-street parking, or through a shared agreement with another property. In cases where parking is shared with another property, such sharing shall not preclude the other property from meeting its own minimum parking requirements for existing uses or from having adequate space to accommodate parking for future uses. (Added per Ordinance 178-17)

c. minimum rear yard 20 feet

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

G. Landscaping and Buffers

1) The landscaping plan shall be fully integrated into the overall site plan and shall be specific as to types and sizes of plantings.

2) As much of the landscape and vegetation as possible should be retained, and additional plantings should reinforce the natural setting.

3) New landscaping should be in keeping with the character of the area and of the buildings.

4) Plantings shall be of varieties suited to the weather and soil. They shall be healthy, and adequate provisions shall be made for their maturation.

5) The 100-foot setback from any abutting residential district shall be a buffer zone. This area shall be landscaped with trees, shrubbery, and undergrowth in such a way as to provide an attractive and effective screen all year. Fencing and earthen berms (rises) may also be employed for this purpose, but only in conjunction with appropriate landscaping.

H. Parking Requirements

1) Adequate off-street parking and loading facilities shall be provided for each proposed use.

2) The parking areas may be on the surface, underground, within the building, or in a parking structure.

3) Parking areas should be attractively illuminated. Illumination is to be directed so that no light falls on any residential property.

4) Parking areas shall be landscaped along the perimeter. Between parking areas and the street line, this landscaped area shall be a minimum of 10 feet in width. At least 10 percent of the interior of any parking lot with 40 or more spaces shall be landscaped.

5) Must meet other requirements within Section 11-1403, Off-Street Parking and Loading, found within the Union City Zoning Ordinance.

I. Sign Requirements

Must meet the requirements set forth within Section 11-405, Signs, found within the Union City Zoning Ordinance.

J. Procedure and Requirements for a Site Plan.

1) Before a permit is issued for any use permitted by right or on appeal, a site plan for the proposed development shall be submitted for review and approval by the City Manager or his designee.

If there are any issues in the site plan which cannot be resolved with administrative site plan review, the City Manager or his designee shall act to refer the site plan to the Planning Commission for review and approval. The Planning Commission shall have the power to impose conditions regarding the location of buildings, parking, access, fencing, screening, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use with existing nearby uses.

2) In order to make an accurate determination of the design and compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan at a scale not less than one (1) inch equals one hundred (100) feet, showing all required design elements of the site including, but not necessarily limited to, the following:

(a) a survey plot certified by a registered land surveyor showing land area and all property lines and dimensions, and existing or proposed easements, utilities, right-of-ways street centerlines, drainage ways and other pertinent physical information on or adjacent to the site, provided that the City Manager or his designee may waive the requirement for a certified survey upon finding that existing information for the site allows proper determination and judgment of design;

(b) topographic contours at two foot intervals, provided that the City Manager or his designee may waive this requirement upon finding that drainage elements of the design may be adequately determined and judged from alternate information;

(c) Location, size, and arrangement of proposed buildings and existing buildings, including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings, and total land area covered by buildings;

(d) the proposed use of buildings and land;

(e) location and dimensions of all parking spaces, parking drives, sidewalks, and access points to streets;

(f) any proposed regrading of the site and any significant natural, topographical or physical features of the site, including at least water courses and large trees;

(g) existing and proposed surface and subsurface drainage facilities;

(h) Location, size, design and arrangement of all outdoor signs and lighting;

(i) Landscaping, and the design of any fencing, screening or buffering;

(j) The name, address, and telephone number of the applicant, and owner, and preparer of the site plan;

(k) Tax parcel and tax map reference

(l) Provide a certificate which states that a stormwater management plan has been approved which demonstrates all applicable stormwater management regulations are being complied with to be signed by the Stormwater Coordinator. (Added per Ordinance 192-18)

The Planning Commission, upon referral, may make other requirements for information when necessary for the proper review and judgment of the site plan.

3) The City Manager or his designee shall act upon any application within ten (10) working days of receipt of a site plan. Upon referral and first consideration at a scheduled meeting, the Planning Commission shall act upon any application within thirty-five (35) days from the date of the first meeting at which a complete and properly prepared site plan is presented. Failure to act within these time periods shall constitute approval of the site plan, unless an extension is agreed to by the applicant. When a site plan is denied, the reasons for such action shall be stated in writing to the applicant. When a site plan is approved upon referral to the Planning Commission, and such approval is conditioned upon specific revisions or addition of design elements, the conditions shall be stated in writing to the applicant and entered in the official records and minutes of the Planning Commission.

4) Notwithstanding above requirements, the requirement for a formal site plan may be waived by the City Manager or his designee if the floor area added in any one calendar year to existing structures within a single site does not exceed 500 square feet, and the cumulative additions do not encroach upon required parking.

CHAPTER 18

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

11-1801. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section 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 Union City, Tennessee Mayor and City Council, does ordain as follows:

Section B. Findings of Fact

1. The City of Union City Mayor and City Council wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

2. Areas of the City of Union City are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

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

Section C. Statement of Purpose

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

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

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

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

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

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

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life and health;

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

3. To minimize the need for rescue and relief efforts associated with flooding;

4. To minimize prolonged business interruptions;

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

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

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

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

11-1802. 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. Notwithstanding any other definitions in this Zoning Ordinance, the following definitions shall apply to this Chapter.

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

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

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

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

"Appeal" means a request for a review of the Building Official's interpretation of any provision of this 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 where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

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

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

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

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

"Building" for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

"Building Official" means the City Manager or his designee.

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

"Development Permit" means building permit and any other permits for development required by the Building Official.

"Elevated Building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

"Erosion" means the process of the gradual wearing away of land masses. 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" any structure for which the "start of construction" commenced before the effective date of this Ordinance.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

"Existing Structures" see "Existing Construction"

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

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

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

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

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

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

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

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

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

"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, 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 an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

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

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

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

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

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

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

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next 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 Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the 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 a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

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

"Manufactured Home" 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 the Agency.

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

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

"New Construction" any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also 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.

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

"State Coordinating Agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

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

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures

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

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

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

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

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

11-1803. GENERAL PROVISIONS

Section A. Application

This Chapter shall apply to all areas within the incorporated area of City of Union City, Tennessee.

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

The areas of special flood hazard identified on the City of Union City, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Map, and Flood Boundary and Floodway Map, Community - Panel Number 470142 0010B; effective: May 5, 1981, and Obion County, Tennessee Flood Insurance Rate Maps, Community Panel Numbers 470361 0050 B and 470361 0150 B, effective June 17, 1991, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the City of Union City, Tennessee Zoning Map.

Section C. Requirement for Development Permit

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

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

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

Section 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 state statutes.

Section 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 flood hazard areas 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 Union City, 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.

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

11-1804. ADMINISTRATION

Section A. Designation of Building Official

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

Section B. Permit Procedures

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

1. Application stage

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

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

   c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in 11-1804. Section B.2, where base flood elevation data is available.*

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

   * (see 2. below)

2. Construction Stage

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

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

to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Building Official

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

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

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

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

4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with 11-1804. Section B.2.

5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with 11-1804. Section B.2.

6. When flood-proofing is utilized, the Building Official shall obtain certification from a registered professional engineer or architect, in accordance with 11-1804. Section B.2.

7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in 11-1806.

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

   Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Official shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 11-1802 of this Ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in 11-1804. Section B.

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

provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

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

11-1805. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

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

2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

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

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

5. 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 which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Chapter; and,

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

Section B. Specific Standards

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

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in 11-1803. Section B, the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of 11-1805. Section B.3.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Official as set forth in 11-1804. Section B.2.

3. Elevated Building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

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

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

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

    c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of 11-1805. Section B. of this Chapter.

4. Standards for Manufactured Homes and Recreational Vehicles

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

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

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

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

iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of 11-1805. Section B.4.b.i. and ii. above.

c. All recreational vehicles placed on sites must either:

i. Be on the site for fewer than 180 consecutive days;

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

iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of 11-1805. Section B.4.a. or b.i. and ii, above.

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

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of 11-1804. Section C.8. shall be utilized for all requirements relative to the base flood elevation or floodways.

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

Located within the areas of special flood hazard established in 11-1803. Section B, where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (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 or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with 11-1805. Section B.

Section D. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated

Located within the areas of special flood hazard established in 11-1803. Section B, where streams exist with base flood data and floodways provided, the following provisions apply:

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

2. If 11-1805. Section D. 1. above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with 11-1805. Section B.

Section E. Standards for Subdivision Proposals

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

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

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

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

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

11-1806. VARIANCE PROCEDURES

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

Section A. Board of Zoning Appeals

1. The City of Union City Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.

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

3. In passing upon such applications, the Board of 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 facility;

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

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

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

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

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

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

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

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

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

2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights,

additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

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

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

CHAPTER 19

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION

11-1901. M-1 (Light Industrial) Districts.

11-1902. M-2 (Heavy Industrial) Districts.

11-1901. M-1 (Light Industrial) Districts. Within the M-1 (Light Industrial) Districts as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply:

A. Uses Permitted:

1. Retail and Wholesale Sales: automobile sales and services; automobile parts; agricultural implement sales and service; lawnmower sales and service; lumber and building materials; plumbing electrical, and industrial supplies; paint; mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service; and, welding supplies.

2. Services: Animal hospitals and clinics; automobile service stations car washes; auto repair garages; truck stops; barber shops; beauty shops; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping; pest exterminator; sign shop; upholstery shops; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shop; and, warehousing, including wholesale sales which are predominately an enclosed warehouse operation, but not including gravel, sand, or the outdoor bulk or unpackaged storage or stockpiling of fertilizers or other nuisance producing goods; and, personal mini-storage or mini-warehousing.

3. Manufacturing, Processing or Fabrication: Canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage; handbags and other personal leather goods; glass products, made of purchased glass; communications equipment; electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware, and plated ware.

4. Federal, state and municipal uses.

5. Research.

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

7. Signs as permitted by Section 11-1405.

B. Special Exceptions: The Board of Zoning Appeals may permit other uses not specifically permitted upon making a finding that such uses are similar in character to those permitted and will not be detrimental to the district in which located, subject to such conditions and safeguards that the Board of Zoning Appeals may attach.

Telecommunication Equipment on Existing Structures and New Telecommunications Towers may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805

C. Uses Prohibited: Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals. The Board of Zoning Appeals shall specifically not have the authority to permit: dwellings; hotels and motels; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery; crematory; curing, tanning, and storage of raw hides and skins; distillation of bones; coal, wood or tar; fat rendering; forge plant or foundry; metal fabrication plant; quarry, scrap paper, rag storage and baling; sawmills; slaughter house or stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, condensed milk; chemicals, brick pottery, terra cotta, or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products; screws and bolts; wire and tires; the above ground storage of gasoline or oil in excess of five hundred (500) gallons or any other use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions.

D. Regulations Controlling Yards, Building Height and Lot Coverage.

1. Minimum required front yard.

All uses	35 feet

2. Minimum required rear yard.

All uses	25 feet

3. Minimum required side yard on each side of lot.

(a)	All uses	25 feet

(b) On a lot adjacent to a residential district, all buildings shall be located so as to conform with the front and rear yard requirements of the adjacent residents district, or the front and rear yard requirements of this section, whichever is greater, and a minimum side yard of fifty (50) feet shall be provided.

(c) When a side lot line is shared with a residential lot, a well maintained tight fence or compact evergreen hedge not less than six (6) feet in height, beginning at the front or rear property line, shall be installed to "screen" the industrial use from the adjoining lot in residential use.

4. Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

5. Maximum permitted height of structures. (Changed by Ordinance 142-15)

(a) The maximum permitted height of a principal building shall be one hundred (100) feet. The Board of Zoning Appeals may allow principal buildings to exceed a height of one hundred (100) feet if appropriate safety measures are proposed for the building and such safety measures have been approved in writing by the City's Fire Chief.

(b) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

E. Maximum Lot Coverage of All Buildings: On any lot the area occupied by all buildings shall not exceed fifty (50) percent of the total area of such lot.

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

11-1902. M-2 (Heavy Industrial) Districts. Within the M-2 (Heavy Industrial) Districts as shown on the Zoning Map of Union City, Tennessee the following regulations shall apply:

A. Uses Permitted:

1. Retail and wholesale sales: agricultural implement sales and service; lawnmower sales and service; lumber and building materials; plumbing, electrical, and industrial supplies; paint; mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service, welding supplies.

2. Services: Animal hospitals and clinics, automobile service stations; auto repair garages; truck stops; barber shops; beauty shops; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping; pest extermination; sign shop; upholstery shops; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shops; and warehousing, including wholesale sales.

3. Manufacturing, processing or fabrication: Canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage; handbags and other personal leather goods; glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and, jewelry, silverware and platted ware.

4. Federal, state and municipal uses.

5. Research laboratories.

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

7. Signs as provided by Section 11-1405.

B. Special Exceptions:

1. The Board of Zoning Appeals may permit other uses not specifically permitted upon making a finding that such uses are similar in character to those permitted and will not be detrimental to the district in which located, subject to such conditions and safeguards that the Board of Zoning Appeals may attach. Such uses may include, but shall not be limited to those uses listed in subsection 2.

2. Auto wrecking; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery, crematory; curing, tanning and storage of raw hides skins; distillation of bones, coal, wood or tar; fat rendering; forge plant or foundary; metal fabrication plant; quarry; gasoline or oil storage above ground in excess of five hundred (500) gallons; junk, scrap paper, bag storage and baling; sawmill; slaughter house or stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, condensed milk,

chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuffs fertilizers, illuminating or heating gas (storage of same), varnish, soap and tar products; screws and bolts, wire and tires, or any other use which in the opinion of the Board of Zoning Appeals can be controlled so as not to produce injurious or obnoxious noise, vibrations, smoke, gas fumes, odors, dust or other objectionable conditions, provided that written approval of the Board of Zoning Appeals is obtained and subject to such conditions.

3. Telecommunication Equipment on Existing Structures and New Telecommunications Towers may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

4. Recycling Centers, subject to the following conditions: (Added per Ordinance 186-18)

   a. Recycling centers may not be located closer than 1,000 feet from any residentially zoned or residentially used property.

   b. An opaque fence having a minimum height of 6' must be installed along all property lines adjacent to residential or commercial zoning districts.

C. Uses Prohibited: Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals.

D. Regulations Controlling Yards and Building Height:

1. Minimum required front yard.

All uses	35 feet

2. Minimum required rear yard.

All uses	25 feet

3. Minimum required side yard on each side of lot.

   (a) All uses 25 feet

   (b) On a lot adjacent to a residential district, all buildings shall be located so as to conform with the front and rear yard requirements of the adjacent residents district, or the front and rear yard requirements of this section, whichever is greater, and a minimum side yard of fifty (50) feet shall be provided.

   (c) When a side lot line is shared with a residential lot, a well maintained tight fence or compact evergreen hedge not less than six (6) feet in height, beginning at the front or rear property line, shall be installed to "screen" the industrial use from the adjoining lot in residential use.

4. Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

5. Maximum permitted height of structures. (Changed by Ordinance 142-15)

(a) The maximum permitted height of a principal building shall be one hundred (100) feet. The Board of Zoning Appeals may allow principal buildings to exceed a height of one hundred (100) feet if appropriate safety measures are proposed for the building and such safety measures have been approved in writing by the City's Fire Chief.

(b) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

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

CHAPTER 20

PROVISIONS GOVERNING PLANNED DISTRICTS

SECTION

11-2001. P-B (Planned Business) Districts. (Repealed by Ordinance 04-00)

11-2002. P-M (Planned Industrial Districts.

11-2001. P-B (Planned Business) Districts. (Repealed by Ordinance 04-00)

11-2002. P-M (Planned Industrial) Districts. (Updated per Ordinance 153-16)
Within the P-M (Planned Industrial) Districts, as shown on the Zoning Map of Union City, Tennessee, the following regulations shall apply:

A. Procedures:

1. Before a permit is issued for any use permitted by right or appeal the site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the compatibility of the proposed use to existing nearby uses.

2. In order that the Planning Commission may make an accurate determination of the character of the proposed use and compliance with ordinance standards the applicant shall submit an accurately and legibly drawn site plan, at a scale of not less than one hundred (100) feet to one (1) inch, illustrating the proposed development including, but not limited to, the following:

(a) A survey, certified by a registered land surveyor showing property boundary lines and dimensions; the gross land area of the site; existing and proposed utilities; and easements, streets and roadways, railroad rights-of-way, and public rights-of-way crossing and adjacent to the subject property.

(b) Location, size, and arrangement of proposed buildings and existing buildings which will remain, if any, including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and total square feet of ground area coverage of buildings; and the front (street) elevation of proposed buildings;

(c) The proposed use of buildings;

(d) Location, dimensions and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;

(e) Any proposed regarding of the site and any significant natural, topographical or physical features of the site, including, at least, water courses and trees;

(f) Existing and proposed surface and subsurface drainage facilities;

(g) Location, size, design, and arrangement of all outdoor signs and lighting;

(h) Landscaping, and the location and height of fences or screen plantings and the type or kind of building materials or plants to be used for fencing or screening; and

(i) The name, address, and telephone number of the applicant, and owner if different from the applicant.

(j) Provide a certificate which states that a stormwater management plan has been approved which demonstrates all applicable stormwater management regulations are being complied with to be signed by the Stormwater Coordinator. (Added per Ordinance 192-18)

3. The Planning Commission shall meet and act upon any application within thirty-five (35) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When an application is denied, the planning shall state the reasons for such action in writing and they shall be entered in the official records of the Planning Commission.

B. Uses Permitted:

1. Retail and wholesale sales: Automobile sales and service; automobile parts; agricultural implement sales and service; lawnmower sales and service; lumber and building materials; paint; mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service; and, welding supplies.

2. Services: Animals hospitals and clinics; automobile service stations; auto repair garages; truck stops; barber shops; beauty shops; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping; pest exterminator; sign shop; upholstery shop; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shop; and warehousing, including wholesale sales. In the case of warehousing uses the outside storage of goods must at a minimum be located behind a fence. While the storage of gravel, sand, fertilizer, or other unpackaged or potentially nuisance producing goods must be located inside of an enclosed structure (for the purposes of this section only, an enclosed structure shall be any structure with at least three (3) walls which may or may not include a roof). (Replaced per Ordinance 153-16)

3. Manufacturing, processing or fabrication: Canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage; handbags and other

personal leather goods; glass products made of purchased glass; communications equipment; electronic components and accessories; professional scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silver, platedware, bag cleaning, boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; crematory; crematory; metal fabrication plant; gasoline or oil storage above ground in excess of five hundred (500) gallons; smelting plant, and the manufacture of acetylene, acid, alcohol, alcoholic beverages ammonia, bleaching powder, condensed milk, chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products; screws and bolts, wire tires.

4. Federal, state and municipal uses.

5. Research laboratories.

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

7. Signs as permitted by Section 11-1405.

C. Special Exceptions: The Board of Zoning Appeals may permit other uses not specifically permitted upon making a finding that such uses are similar in character to those permitted and will not be detrimental to the district in which located, subject to such conditions and safeguards that the Board of Zoning Appeals may attach.

Telecommunication Equipment on Existing Structures and New Telecommunications Towers may be permitted by the Board of Zoning Appeals in accordance with the provisions of Section 11-805.

D. Uses Prohibited: Any use not specifically permitted or permissible as a special exception by the Board of Zoning Appeals.

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

1. Minimum required lot area.

All uses	20,000 sq. ft.

2. Minimum required front yard.

All uses	50 ft.

3. Minimum required rear yard.

All uses	40 ft.

4. Minimum required side yard on each side of lot.

All uses	25 feet, but not to apply to individual buildings on the same lot as required by Section 11-1402, provided that all

non-adjoining principal building shall not be closer on the sides than 25 feet.

5. Notwithstanding the above provisions, no yard will be required for that part of a lot which fronts on a railroad siding.

6. Maximum permitted height of structures. (Changed per Ordinance 142-15)

   (a) The maximum permitted height of a principal building shall be one hundred (100) feet. The Board of Zoning Appeals may allow principal buildings to exceed a height of one hundred (100) feet if appropriate safety measures are proposed for the building and such safety measures have been approved in writing by the City's Fire Chief.

   (b) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

CHAPTER 21

LEGAL STATUS PROVISIONS

SECTION

11-2101. Conflict with Other Ordinances and Private Deeds.

11-2102. The Effective Date of this Ordinance.

11-2101. Conflict with Other Ordinances and Private Deeds. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing ordinance or future ordinance of the City of Union City, Tennessee, and the whole or part of any existing or future private covenants or deeds, the most restrictive in all cases shall apply.

11-2102. The Effective Date of this Ordinance. This Ordinance shall take effect and be enforced ten (10) days from and after its passage on second and final reading and after publication in the official newspaper, the public welfare requiring same.

Section 2. That this Ordinance shall take effect ten (10) days from and after its passage on second and final reading and after publication in the official newspaper.

CITY OF UNION CITY, TENNESSEE

Edwin Stone

Mayor

ATTEST:

Mildred Roberts

City Clerk

APPROVED AS TO FORM AND LEGALITY

James M. Shoaguo

City Attorney

Passed First Reading: July 15, 1980.

Passed Second Reading: August 5, 1980.

Published in Official Newspaper: July 28, 1980.

Effective Date: August 15, 1980.

Revision History

Last Updated: 07/13/2021 JCD

- Added revised telecommunications section
  11-805. Approval of new Telecommunications Towers or Telecommunication Equipment on Existing Structures (Updated 6/30/00 per Ordinance 24-00)

- Added B-R District
  11-1705 B-R (Business-Recreation) Districts (Updated 8/19/08 per Ordinance 70-09)

- Added revised sign ordinance
  11-1405 Signs. (Updated 9/18/12 per Ordinance 114-13)

- Add Business and professional offices to B1 and PM
  Add to Sections 11-1701.A.2. and 11-2002.B.2. (Updated per Ordinance 135-14)

- Revised BR District uses, provisions & size requirements
  11-1705 B-R (Business-Recreation) Districts (Updated 8/19/08 per Ordinance 136-14)

  Change 11-1705
  "All developments within this district shall have public access via marginal access (service) or frontage roads in order to ensure proper traffic flow along the interstate."
  To read
  "Whenever feasible, developments within this district should have public access via marginal access (service) or frontage roads."

  Change A.1
  "No outdoor storage of materials or products."
  To read
  "Any outdoor storage of materials and goods must be appropriately screened."

  Change B.1.f.iv "shopping malls"
  To read "lifestyle centers and open-air outlet malls"

  Change E.1. "2 acre" **To read** "1 acre"

  Change E.3. "60 percent" **To read** "80 percent"

  Change E.5.b. "from any street line or highway setback"
  To read "from any public street line or highway setback"

- Revised P-M Uses Permitted
  11-2002 P-M (Planned Industrial) Districts. (B2 Updated 10/17/15 Ordinance 153-16)

- Revised 11-903. Added plan reviews. (Added to 11-1705.E.5.b per Ordinance 178-17)
- "The Planning Commission may reduce the required setback to a distance of 10 feet to necessitate

- 11-1705. B-R (Business - Recreation) District
  appropriate development if all other minimum zoning requirements can be met on site, not to include minimum parking requirements. Minimum parking requirements would need to be met

either wholly or partially elsewhere on-site, through suitable on-street parking, or through a shared agreement with another property. In cases where parking is shared with another property, such sharing shall not preclude the other property from meeting its own minimum parking requirements for existing uses or from having adequate space to accommodate parking for future uses."

- Added Provisions and Requirements for Tiny Houses (Added per Ordinance 189-18)
  11-1354. "Tiny house. A principal residential structure which contains less than 900 square feet of heated living space and is designed to be used as a dwelling. Such residential structures (under 900 square feet in size) fashioned from previously purposed structures, such as storage containers, grain bins, water tanks, train boxcars, or other similar structures shall be considered tiny houses. For the purpose of these regulations the term "tiny house" does not include the terms "mobile home" or "manufactured home."

  Added the following sections:
  11-1413, 11-1503.A.5, 11-1505.A.4, 11-506.A.4, 11-1503.1.F.(f), 11-1505.E.1(e), 11-1506.F.1.(f)

- Revised 11-1405.F.3 (Per Ordinance 199-19)

- Added Residential Transient Rental Unit (Added per Ordinance 200-19)

- Reverted the order of Definitions back to original numbering. New Definitions to be added at the end of list with new number – JCD

- Added 11-1503 C.8 RV Park (Per Ordinance 204-19)

- Revised 11-1358 & 11-1413.J (Per Ordinance 215-20)

- Revised 11-1703 B3 Dwelling Units (Per Ordinance 227-21)

- Revised 11-1411 Manufactured Residential Dwellings (Per Ordinance 233-22)