



City of Adams, TN Municipal Zoning Ordinance

DRAFT FOR PLANNING COMMISSION REVIEW

SEPTEMBER 5, 2024

Adopted: *November 14 2024*

Last Amended:

PAGE INTENTIONALLY LEFT BLANK

Table of Contents

AMENDMENTS:	1
ARTICLE I: ENACTMENT	2
1-1 Authority	2
1-2 Title	2
1-3 Purpose	2
1-4 Enactment	3
1-5 Repeal	3
ARTICLE II: CONSTRUCTION OF LANGUAGE AND DEFINITIONS	4
2-1 Rules of Construction	4
2-2 Definitions	4
2-3 Sign Definitions	47
ARTICLE III GENERAL PROVISIONS	53
3-1 Scope	53
3-2 Only One (1) Principal Building on Any Lot	53
3-3 Lot Must Access a Public Road	53
3-4 Reduction in Lot Area Prohibited	55
3-5 Rear Yard Abutting a Public Road	55
3-6 Corner Lots	55
3-7 Future Road Line	55
3-8 Obstruction to Vision at Street Intersection Prohibited	56
3-9 Access Control	56
3-10 Accessory Uses and Buildings	56
3-11 Buffer Strips	57
3-12 Site Plan Requirements	57
3-13 Mail Delivery Design / Centralized Mail Delivery Installations	57
ARTICLE IV: SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS	58
4-1 Temporary Use Regulations	58
4-2 Customary Incidental Home Occupations	60
4-3 Development Standards for Gasoline Service Stations	63
4-4 Development Standards for Residential Swimming Pools	63
4-5 Development Standards for Group Housing Projects	63

4-6	Development Standards for Mobile Home Parks	64
4-7	Development Standards for Automobile Wrecking, Junk, and Salvage Yards	71
4-8	Development Standards for Cemeteries	72
4-9	Minimum Design Standards for Transmission/Communication Towers and Stations ..	73
4-10	Residential Cluster Development and Open Space Conservation Design Overlay Provision	73
4-11	Special Conditions for Permitting a Bed and Breakfast Home.	90
ARTICLE V STREETS, PARKING, ACCESS, AND OFF-STREET LOADING AND UNLOADING REQUIREMENTS		92
5-1	Off-Street Parking Requirements	92
5-2	Off-Street Loading and Unloading Requirements	94
ARTICLE VI ZONING DISTRICTS		95
6-1	Establishment of Districts	95
6-2	Provisions for Official Zoning Ordinance	96
6-3	Rules for Interpretation of District Boundaries	97
6-4	Application of District Regulations	97
6-5	Residential Districts	98
6-6	Commercial Districts	101
6-7	Industrial Districts	102
ARTICLE VII PLANNED UNIT DEVELOPMENT REGULATIONS		129
7-1	Intent:	129
7-2	General Provisions	129
7-3	Administrative Procedure	133
7-4	Addition of Land Uses Not Included Within an Approved Preliminary Master Development Plan	137
7-5	Amendments to the PUD	137
7-6	Cancellation of an Adopted Planned Unit Development	138
7-7	Failure to Begin Planned Unit Development	138
7-8	Maintaining a Current Development Plan	138
7-9	Reinstatement of Previously Approved Development Plan	138
7-10	Amending a Lapsed Development Plan	138
7-11	Building Permits and Use and Occupancy Permits	138
7-12	Minor Site Modifications to an Adopted Final Master Development Plan	139

7-13	General Development Standards	140
7-14	Residential Planned Unit Development.....	142
7-15	Commercial Planned Unit Development.....	145
ARTICLE VIII FLOODPLAIN REGULATIONS		150
8.1	Floodplain District.....	150
8.2	Definitions	151
8.3	General Provisions.....	158
8.4	Administration	159
8.5	Provisions for Flood Hazard Reduction	163
8.6	Variance Procedures for Areas of Special Flood Hazard.....	169
8.7	Legal Status Provisions.....	171
ARTICLE IX STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES		173
9-1	Standards for Signs.....	173
ARTICLE X EXCEPTIONS AND MODIFICATIONS		190
10-1	Scope.....	190
10-2	Nonconforming Uses	190
10-3	Bulk and Lot Size Noncompliance	193
10-4	Exceptions to Height Limitations.....	194
10-5	Lots of Record	194
10-6	Exceptions to Setback Requirements.....	195
10-7	Absolute Minimum Lot Size	195
ARTICLE XI ADMINISTRATION AND ENFORCEMENT		196
11-1	Zoning Administration.....	196
11-2	The Enforcement Officer	196
11-3	Zoning compliance permit (building permits).....	197
11-4	Temporary use permits	201
11-5	Certificate of Compliance/Occupancy	201
11-6	Board of Zoning Appeals.....	201
11-7	Variance Procedure	204
11-8	Procedure For Authorizing Special Exception	207
11-9	Amendments To The Zoning Text	212
11-10	Amendments To The Zoning Atlas (Map).....	213

11-11	Liability Of Board Member and Employees:	217
11-12	Remedies:	218
11-13	Separability:	218
11-14	Interpretation:	218
11-15	Effective date:	218

AMENDMENTS:

ARTICLE I: ENACTMENT

SECTION

- 1-1 Authority**
- 1-2 Title**
- 1-3 Purpose**
- 1-4 Enactment**
- 1-5 Repeal**

1-1 Authority.

An Ordinance, in pursuance of the authority granted by *Sections 13-7-201 through 13-7-111, Tennessee Code*, to regulate, in the corporate limits of Adams, Tennessee, the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, agricultural, forestry, soil, and water conservation, public activities and other purposes including areas subject to flooding; to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety, and general welfare; to provide methods of administration of this Ordinance, and to prescribe penalties for the violation thereof.

1-2 Title.

This Ordinance shall be known as The Zoning Ordinance of Adams, Tennessee, dated 11-14-2024. The zoning map shall be referred to as the Official Zoning Map of Adams, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this Ordinance.

1-3 Purpose.

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

- A. Enhancing the character and stability of agricultural, residential, business, commercial, and industrial areas and promoting the orderly and beneficial development of such areas.
- B. Preventing overcrowding of land by coordinating growth with available or planned public services or infrastructure.
- C. Protecting and enhancing the value of land and buildings.
- D. Minimizing traffic hazards and congestion.
- E. Preventing undue concentration of population.
- F. Providing adequate light, air, privacy, sanitation, and a safe environment.
- G. Reducing hazards from fire, flooding, steep slopes, karst topography, stormwater run-off, and other dangers.

- H. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services.
- I. Encouraging the most appropriate uses of land.
- J. Enhancing the natural, man-made, and historical amenities of Adams, Tennessee.
- K. Preserving and enhancing the City's overall rural character by preserving open space.

1-4 Enactment.

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

1-5 Repeal.

As amended, the existing Zoning Ordinance of Adams, Tennessee, March 11, 2021, is repealed. However, adopting this Ordinance shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this Ordinance.

**ARTICLE II:
CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

SECTION

2-1 Rules of Construction

2-2 Definitions

2-3 Sign Definitions

2-1 Rules of Construction.

For these regulations, the following rules of construction apply.

1. The regulations will be interpreted to fulfill their intended purposes, while statements of intent will serve as a guide.
2. The words "shall," "must," and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
3. The word "may" is permissive except when used in the negative.
4. The word "should," whether used positively or negatively, is a suggested guideline.
5. References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language indicates otherwise.
6. Certain words, concepts, and ideas are defined below to interpret this Ordinance. Except as defined herein, all other words in this Ordinance shall have their standard dictionary definition.
7. Whenever a conflict exists between the text of this Ordinance and any graphic representation herein, the text shall prevail.

2-2 Definitions.

2-2.1 General.

Words and terms in the Adams Zoning Ordinance are defined in the following sections. The definitions are divided into four sections. As captioned, section 2-2.1 provides the general zoning definitions for this Ordinance. The definitions of Section 2-3.0 provide special definitions applicable to the sign regulations of Article IV. Section 8-2 sets out special definitions applicable to the Floodplain Districts of Article VIII. For these regulations, the following words and terms have the meanings specified in this section.

Application: Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the currently adopted Building Code, of The City of Adams, shall be used. If the building code contains no definition, then standard dictionary definition shall prevail.

2-2.2 Definitions.

ABUTTING: Having a common border with or being separated from such a common border by a right-of-way or easement.

ACCESSORY: An activity or structure that is customarily associated with and is appropriate incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions for accessory off-street parking. Examples of an accessory structure are freestanding garages, carports, or premanufactured storage buildings used to contain lawnmowers or other household items.

ACCESSORY APARTMENT: A temporary accessory dwelling unit located in a one-family residence that is subordinate to the principal one-family dwelling in terms of size and appearance and which apartment does not substantially alter the character and appearance of the residential structure or its conformity with the character of the neighborhood.

ACTIVITY: The performance of a function or operation which constitutes the use of land.

ACTIVITY-PRINCIPAL: (See PRINCIPAL ACTIVITY.)

ACTUAL CONSTRUCTION: The excavation of a site and/or the placement of building materials in conjunction with the construction of a building or other structure or demolition of a structure or the commencement of other activities requiring a building permit.

Amendment: Any change by the City Board to the text of these regulations or the official zoning maps.

ADULT ENTERTAINMENT: Any exhibition of any adult-oriented motion picture, live performance, display, or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers. *(For additional related definitions, see Sections 7-51-1101 through 7-51-1122 Tennessee Code.)*

ADULT-ORIENTED ESTABLISHMENT: Includes, but is not limited to, an adult bookstore, adult motion picture theater, adult motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further "adult-oriented establishment" means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises to view adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult-oriented establishment" further includes, without being limited to, any adult studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import. Adult-Oriented Establishments include:

- A. Adult Bookstores: A business which offers, as its principal or predominate stock or trade, sexually oriented material, devices, paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts,

or purports to restrict admission to adults or to any class of adults.

- B. Adult Cabaret: An establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons of such establishment, at any time, the bare female breast below a point immediately the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque covering. "Adult cabaret" includes a commercial establishment which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers.
- C. Adult Mini-Motion Picture Theaters: An enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as defined in this Ordinance, for observation by patrons therein.
- D. Adult Mini-Motion Picture Theaters: An enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to "specified sexual activities" or "specified anatomical areas" as defined in this Ordinance, for observation by patrons therein.
- E. Adult Show or Adult Peep Shows: Includes all adult shows, exhibitions, performances, or presentations which contain acts or depictions of specified sexual activities.
- F. Sexually oriented Escort Bureau: An escort bureau which:
 - 1. Does not maintain an open office.
 - 2. Employs as an employee, agent, or independent contractor an escort bureau runner.
 - 3. Advertises that sexual conduct will be provided, referred, or introduced to a patron.
 - 4. Solicits, offers to provide or does provide acts of sexual conduct to an escort patron.
 - 5. Employs, contracts with or provides or refers escorts who do not possess valid permits issued as provided in part 11 of Section 7-51-1102 Tennessee Code.
 - 6. Does not deliver contracts to every patron or customer; or
 - 7. Employs contracts with a sexually oriented escort or refers or provides to a patron, a sexually oriented escort.
- G. Massage Parlor: An establishment or place primarily in the business of providing massage or tanning services where one (1) or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.
- H. Open Office: An office at the escort service from which the escort business is transacted and which is open to patrons or perspective patrons during all hours during which escorts are working, which is managed or operated by an employee, office, director, or owner of the escort service having authority to bind the service to escort patron contracts and

adjust patron and consumer complaints.

- I. Rap Parlor: An establishment or place primarily in the business of providing nonprofessional conversation or similar service for adults.
- .J. Sexual Encounter Center: A business or commercial enterprise that has as one of its primary business purposes, offers for any form of consideration:
 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Physical contact between male and female persons and/or persons of the same sex when one (1) or more of those persons exposes to view of the persons present with such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.

AGRICULTURAL INDUSTRY: Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

AIRPORT: A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

AIRPORT USES: Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

ALLEY: A public way intended to provide only secondary vehicular access to abutting properties.

AMMUNITION MANUFACTURING: the manufacturing of cartridge cases, primers, bullets, or propellant powder designed for use in any firearm. This definition also includes archery arrows that are made to be shot from a bow.

AMUSEMENT, COMMERCIAL INDOOR: Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink, or similar activity as a principal use to the general public but does not include indoor motion picture theaters.

AMUSEMENT, COMMERCIAL OUTDOOR: Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters or "Outdoor Concerts and/or Stage Shows."

ANIMAL UNIT: A measure representing a common denominator defining a farm. The animal unit accounts for the carrying capacity of one acre of land. It is related to the amount of feed various species consume and the amount of waste they produce.

ANTENNA: This shall mean any external apparatus designed for telephone, radio, or television communications by sending and reading electromagnetic waves.

APARTMENT HOUSE: Two or more dwelling units placed one on top of another and side by side, sharing common walls and common floors and ceilings located on a single lot of record.

APARTMENT. ACCESSORY: A dwelling unit added to or created within a single-family house.

APARTMENT, COMMERCIAL: An apartment located in a commercial building.

APPEAL: A means for obtaining a review of a decision, determination, order, or failure to act according to the terms of this Ordinance as expressly authorized by the provisions of *Article 11-6.0*.

ARENA: A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

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

AUTOMOTIVE REPAIR: A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. (Also referred to as vehicle repair.)

AUTOMOTIVE SERVICE STATION: Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and bodywork are conducted.

AUTOMOBILE WRECKING: A yard, field, or other exposed area used as a space of storage for five (5) or more motor vehicles, trailers or parts thereof which are unserviceable, discarded, worn-out, junked, or which does not have a current license. A motor vehicle is defined as any self-propelled vehicle not operated exclusively on track, including motorcycles.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, or which are discarded or junked are placed, located, or found.

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

BASE DENSITY: The density (in dwelling units per acre) permitted under the property's residential zoning category.

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

BED AND BREAKFAST ESTABLISHMENTS: Bed and Breakfast Establishments include the following:

- A. Bed and Breakfast Home Stay. A home occupation that provides one (1) to three (3) rooms for occasional paying guests on an overnight basis for periods not to exceed fourteen (14) days, with one (1) daily meal being available on the premises. A "Bed and Breakfast Homestay" is allowable only in a building originally constructed as a single-family residential building.
- B. Bed And Breakfast Inn. An operator- or owner-occupied home that provides four (4) to twelve (12) rooms for paying guests n an overnight basis for periods not to exceed fourteen (14) days with one (1) daily meal being available on the premises. "Bed and Breakfast Inns" are subject to approval by the Tennessee Department of Environment and Conservation.
- C. Country Inn. A "Bed and Inn" that also has facilities for group and special events and activities. Such facilities include a dining area and catering service, conference/meeting/gathering rooms, and an out or activity area. "Country Inns" are subject to the Tennessee Department of Environment and Conservation approval.

BENEFICIAL LANDFILL: Permitted with conditions in all districts The purpose of a beneficial fill site is to allow the land to be recontoured for the purpose of improving land use potential or for other beneficial reuse; involves no excavation and accepts only fill material consisting of inert debris or used asphalt or a combination of inert debris and used asphalt. Provided, however, that excavation, grading and fill activity shall not be considered a beneficial fill site within this definition if such activity (1) is confined within the boundaries of a parcel of property or development project and involves uncontaminated soil, gravel or rock originating on such property or development project, or (2) is conducted pursuant to a valid preliminary subdivision plan or final subdivision plat, a residential building permit, a commercial building permit, or any preliminary permit issued pursuant to a pending application for such a plan or permit, and involves only uncontaminated soil, gravel or rock.

BERM: A raised earth mound planted with ornamental vegetation.

BOARD OF APPEALS: The Zoning Board of Appeals of the City of Adams, Tennessee.

BOARD: "City Commissioners" of Adams, Tennessee.

BOARDING HOUSE: A dwelling unit with up to six rooms for rent to boarders, designed and intended to be rented to boarders, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

BUFFER STRIP: A greenbelt planted strip at least fifteen (15) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, one on each side of the evergreen trees, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUFFER YARD: A unit of land, with a specified type and amount of planting thereon and any structures that may be required between land uses to eliminate or minimize conflicts between them.

BUILD-TO LINE: A line extending through a lot that is generally parallel to the front property line and marks the location from which the principal vertical plane of the front building elevation, exclusive of porches, bay windows, and similar appurtenances, must be erected; intended to create an even building facade line on a street. The build to a line is established on the record plat (final plat).

BUILDING: A structure built, maintained, or intended for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where each unit is a building where independent units with separate entrances are divided by party walls.

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

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

BUILDING OFFICIAL: The building inspector for Adams, Tennessee.

BUILDING COMPLETELY ENCLOSED: Refers to a building or other structure having a roof and separated on all sides from the adjacent open area or other buildings or other structures by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods, or vehicles.

BUILDING ENVELOPE: The area on a lot that encompasses all development, including but not limited to excavation, fill, grading, storage, demolition, structures, building heights, decks, roof overhangs, porches, patios, terraces, pools, and any areas of disturbance, access ways, and parking. Approved walkways and driveways may occur outside the building envelope.

BUILDING FRONT: That exterior wall of a building that faces the front lot line of the lot.

BUILDING HEIGHT: The vertical distance as measured from the average ground elevation to the highest point on such a building.

BUILDING LINES: Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections there from, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

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

BUILDING SEPARATION: The minimum required horizontal distance between buildings, measured between walls.

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

BUILDING SETBACK LINE, FRONT: A-line delineating the minimum allowable distance between the street right-of-way has been established from that future street right-of way line and

the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

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

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

BUILDING SITE: (See also development.) An area of land or property where development is undertaken.

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

- A. The size (including height and floor area) of buildings or other structures.
- B. The area of the zoning lot upon which a residential building is located and the number of dwelling units within such buildings in relation to the area of the zoning lot.
- C. The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures.
- D. All open areas relating to buildings or other structures and their relationship. to caliper: The size of a tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches. This caliper measurement is used to determine if newly planted trees meet the requirements of this Ordinance.

BUSINESS AND COMMUNICATION SERVICES: The provision of services of clerical, goods, brokerage, communication of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books other than pamphlets and short reports.

CAMPGROUNDS: Commercial, for-profit campgrounds, used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CANDLEPOWER: The amount of light that will illuminate a surface one (1) foot distant from a light source to one (1) foot candle. Maximum (peak) candlepower is the largest amount emitted by any lamp, light source, or luminary.

CANOPY: A tree's uppermost spreading branch layer.

CANOPY TREE: A deciduous tree that would occupy the upper canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include beech, hickory, oak, sassafras, maple, tulip tree, etc.

CENTER FOR OBSERVATION AND REHABILITATION: A licensed medical facility wherein services more intensive than those required for room, board, personal services, and

general nursing care are provided to an in-patient population, but which involves no form of forced residency of the type required within drug and alcohol rehabilitation facilities.

CERTIFICATE OF APPROPRIATENESS: A statement issued by the City or County Building Department states that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.

CERTIFICATE OF COMPLIANCE: An official document issued by the Zoning Administrator or his designee stating that a building or structure complies with the provisions of this Ordinance.

CHANGE OF USE: The change in the use of a structure or land for which a certificate of occupancy is required. Change of use shall include a change from one use to another in the list(s) of permitted uses. It shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

CHILDCARE: The provision of supplemental parental care and supervision:

- A. For a non-related child or children;
- B. Regularly;
- C. For less than twenty-four (24) hours a day; and
- D. Under license issued by the Tennessee Department of Human Services

As used in this Ordinance, the term is not intended to include babysitting services of a casual, nonrecurring nature or in a child's own home. Likewise, the term is not intended to include cooperative reciprocal childcare by a group of parents in their domiciles or the keeping of four (4) or fewer pre-teenage children, which is an activity regulated as a minor home occupation by this Ordinance and requires no licensing by the State of Tennessee.

CIVIC, SOCIAL SERVICE OR FRATERNAL ORGANIZATION FACILITY: A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

CLEAR CUTTING: The large-scale indiscriminate removal of trees, shrubs, and undergrowth to prepare real property for non-agricultural development.

CLINIC, MEDICAL, DENTAL, OR OPTICAL: A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

CLINIC, VETERINARY: A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

COMMENCEMENT OF CONSTRUCTION: The first placement of permanent evidence of a structure on a site under a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure.

"Commencement of construction" does not include the installation of streets or walkways, the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

COMMERCIAL COMMUNICATION TOWER: A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

COMMERCIAL USE: A category of uses that includes retail establishments, personal services, light manufacturing and assembly, branch banks, medical offices, health care services, indoor motion picture theatres, conference centers, laboratories, and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and daycare facility as a principal use.

COMMON OPEN SPACE: The total land area not individually owned or dedicated for public use, designed and intended for the use and enjoyment of the residents or occupants of a development. Common open space includes swimming pools, putting greens, and other recreational/leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding, or off-street bicycle trails; landscaped areas and other complementary structures and improvements as are necessary and appropriate. In no instance shall common open space include required setback areas or contain structures other than those intended for landscape or recreational purposes.

COMMUNICATION TOWERS: A communication tower is any structure designed and constructed primarily to support one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, etc.

COMMUNITY OPEN SPACE: The portion of the open space remaining after "Green Space" has been designated. Community Open space may be used for passive or active recreation or stormwater management.

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, only when specific provisions are made in this Ordinance. For administration of this Ordinance, conditional uses shall be

construed as synonymous with special exceptions, as controlled by *Section 13-7-206, Tennessee Code*.

CONGREGATE HOUSING: Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

CONSTRUCTION AND DEMOLITION (C&D) WASTES: Wastes, other than special wastes, resulting from construction, remodeling, repair and demolition of structures and from road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, rebar, paving material. (Inert debris, land clearing debris, and yard trash are separately defined herein.)

CONSTRUCTION AND DEMOLITION (C&D) LANDFILL: A facility for the land disposal of construction and demolition (C and D) debris and wastes that is designed to meet the minimum standards of the State of Tennessee by utilizing acceptable landfill engineering technology.

CONVENIENCE CENTER: Any area which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive domestic waste, municipal solid waste and recyclable materials.

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

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

CORRECTIONAL INSTITUTION: A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each twenty-four (24) hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

COUNTRY CLUBS: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities; golf, riding, club house, pool, dining facilities, or lounge

COUNTRY INN: A building which contains a dwelling unit and guest rooms that number no more than ten (10). These rooms should be rented for periods of no more than one week to guests who have reserved the rooms in advance. Guests shall receive at least one meal with the price of their room. The dining room shall be open only for those periods when guests receive their meals and shall have a separate kitchen from that of the dwelling unit. The dining room shall have seating for no more than forty (40) patrons.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

CRITICAL ROOT ZONE (CRZ): A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained for the tree's survival. The

critical root zone is one foot of radial distance for each inch of the tree DBH, with a minimum of eight (8) feet.

CULTURAL FACILITY: An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

DAY CARE CENTER: Any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four and more than five (5) hours per day without transfer of custody.

DECIDUOUS: Shrubs and trees that lose their leaves annually.

DEPENDENT LIVING FACILITY: Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

DEDICATION: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple or less than fee-simple interest, including an easement.

DENSITY, GROSS: The quotient of the total number of dwelling units divided by the base site area of a site.

DENSITY, GROSS RESIDENTIAL: The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

DEVELOPER: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development under these regulations, including an optionee or contract purchaser.

DEVELOPMENT: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels. Except as provided in subsection (c) hereof, for these regulations, the following activities or uses shall be considered "development":

- A. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.
- B. A change in the intensity of land use, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- C. Alteration of the shore or bank or dredging a pond, lake, river, or other waterway.
- D. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.
- E. Clearing or excavating of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
- F. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

- G. Development includes all other activity customarily associated with it. When appropriate to the context "development" refers to the act of developing or the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

For these regulations the following operations or uses shall not be considered "development"; some may, however, require a building permit:

- A. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the structure's exterior or interior alterations that do not change the use for which the structure was constructed.
- B. Work involves maintaining or replacing existing landscaped areas and rights-of-way.
- C. A change in use of land or structure from a use within a specified category of use to another use in the same category.
- D. A change in the ownership or form of ownership of any parcel or structure.
- E. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law; or
- F. The clearing of survey cuts or paths less than four (4) feet in width.

Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DIAMETER AT BREAST HEIGHT: The caliper of an existing semi-mature or mature tree measured at 4% feet above the existing ground on the uphill side of the tree.

DISTRICT: Any section or sections of the area lying within Adams, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage or buildings and other structures are in force.

DORMITORY: A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

DRAINAGE: Removing surface water or groundwater from land by drains, grading, or other means. Drainage includes the controlling runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation, prevention, or alleviation of flooding.

DRAINAGEWAY: Minor watercourses defined either by soil type or by the presence of intermittent or perennial stream or topography indicating a swale where surface sheet flows join.

DRIP LINE: An imaginary vertical line extending from the outer most portion of the tree canopy to the ground that defines the outer limits of the tree canopy.

DRIVE-THROUGH SERVICE WINDOW: A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable

the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

DWELLING: A building, or portion thereof, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families. A dwelling is designed or used exclusively, except for permitted home occupations, for residential occupancy, but not including transient occupancy.

DWELLING, ACCESSORY: A dwelling unit that is located on the same lot as a detached or attached single family house, has a first-floor area no greater than six hundred fifty (650) square feet or fifty percent (50%) of the first-floor area of the principal dwelling (whichever is greater), is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall remain the same number of residents permitted in a single group home.

DWELLING, APARTMENT: A dwelling unit in a building comprised for use as occupancy by three (3) or more households each of which has separate living quarters. This includes triplexes and quadraplexes.

DWELLING, ATTACHED: A building containing not more than two dwelling units, attached at the side or sides in a series of three or more principal buildings. At points of attachment, such buildings are separated by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another. The term attached dwelling is intended to apply to town houses, patio or atrium houses, or any form that conforms to this definition.

DWELLING, DUPLEX: dwelling means a building and accessories to it principally used, designed, or adopted for use by two (2) households; the living quarters of each are completely separate.

DWELLING, CONDOMINIUM: Real estate containing three (3) or more dwelling units separated by a common vertical wall being under or intended for separate ownership, for each household living accommodation and the remainder designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

DWELLING, MANUFACTURED HOME: means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

DWELLING, MOBILE HOME: means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.). It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a

permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure. It is a detached one-family dwelling with all the following characteristics:

- A. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to external systems.
- B. Constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own or detachable wheels.
- C. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports connections to utilities and the like.
- D. Mobile home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

DWELLING, MULTI-FAMILY: A building or portion thereof, used or designated as a residence for three (3) or more families living independently of one another with separate housekeeping and cooking facilities for each, and including apartments, townhouses, and condominiums.

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

DWELLING, QUADRUPLEX: A dwelling with four (4) units designed for use by four (4) households located on the same tract in one ownership.

DWELLING, SEMI-DETACHED: A building containing not more than two dwelling units, attached at a side to not more than one other building containing not more than two dwelling units by a party wall without openings with each building having a separate lot with dimensions meeting regulations for the district, or so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case the dimensions of such land shall not be reduced below those required for provisions of separate lots.

DWELLING, SINGLE-FAMILY DETACHED: A site-built dwelling designed for and occupied by no more than one (1) family with no roof, wall, or floor in common with any other dwelling unit. For purposes of these regulations, dwellings classified as either a modular

home or manufactured home, as defined herein, shall be regulated as a single-family, detached dwelling.

DWELLING. TENANT: A dwelling located on a bona fide farm and occupied by a farm worker employed for agricultural purposes by the owner or operator of the farm.

DWELLING, TOWNHOUSE: A building consisting of single-family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

DWELLING. TRIPLEX: Dwelling units designed for use by three (3) households located on the same tract in one ownership.

DWELLING, TWIN HOME: A building consisting of two single-family dwelling units, each occupying its conventional lot and conveyed by deed in fee simple, connected along a common party wall with no interior circulation between the two.

DWELLING, TWO-FAMILY (DUPLEX): A building on one zone lot arranged and designed to be occupied by not more than two families living independently.

DWELLING UNIT: One (1) or more rooms that are physically arranged, designed, used, or intended to create an independent housekeeping establishment for occupancy by one (1) family, and that include lawful cooking space, sleeping space and lawful sanitary facilities reserved for the occupants thereof.

EASEMENT: Authorization by a property owner of one (1) or more of the property rights for the use by, the public, a corporation, another person, or entity, for a specified purpose, on a designated part of their property.

EASEMENT, ACCESS: An easement which grants the right to cross property.

EASEMENT, MAINTAINED: A recorded right-of-way graded and cleared of brush and served by a driveway made of crushed gravel or pavement, to permit access by vehicles.

ELEMENTARY AND SECONDARY SCHOOLS: Publicly owned or privately-owned pre-schools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions the primary function of child day care.

ENVIRONMENTALLY SENSITIVE AREA: Any land area containing one or more of the following characteristics:

- A. slopes in excess of fifteen (15) percent;
- B. floodplain;
- C. soils classified as having a high water table;
- D. soils classified as highly erodible;
- E. lands incapable of meeting minimum percolation standards;
- F. land formerly used for landfill operations or hazardous industrial use;
- G. fault areas;

- H. stream corridors;
- I. aquifer recharge and discharge areas;
- J. wetlands;
- K. sinkholes;
- L. lands which contain habitat or breeding grounds for species of endangered, threatened, or special concern status.

EROSION: The detachment and movement of soil or rock fragments by water, wind, ice, and gravity.

ESSENTIAL SERVICES: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided transmitter or antenna tower is at most one hundred-eighty (180) feet in height. Essential Services are divided into three classes:

- A. Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet);
- B. Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.
- C. Class 3 Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

EXISTING TREE CANOPY: Tree canopy that has existed for at least two (2) years before development.

EXTERIOR FEATURES: The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

EXTERIOR STORAGE: Outdoor storage of fuel, raw materials, products, and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

FAMILY: One of the following:

- A. A person or two (2) or more persons related by genetics, adoption or marriage, occupying a dwelling unit and living as a single independent, nonprofit housekeeping unit, together with incidental domestic servants and temporary non-paying guests.
- B. A group of at most five (5) unrelated persons living together as a single nonprofit housekeeping unit.

C. A group of unrelated disabled persons (as defined by Title VIII, of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988) occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided:

1. Any entity owning or operating any facility permitted under this provision shall be established as a "not for profit" association under appropriate provisions of the Federal Code.
2. Any facility permitted under this provision shall at the time application is made for any building or occupancy permit and at all times after that be appropriately licensed by the State of Tennessee.

FARM: A parcel of land meeting either of the following conditions: (1) a parcel of land equal to or exceeding fifteen (15) acres in size and used for residential and agricultural purposes; or (2) a parcel of land equal to or exceeding five (5) acres in size and less than fifteen (15) acres in size and meeting the following conditions: the parcel must be used for residential and agricultural purposes including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the raising of more than two (2) animal units per acre.

FARM STAND: A temporary structure or vehicle used in the sale of farm products such as fruits, vegetables, and juices.

FILLING: The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

FINANCIAL CONSULTING AND ADMINISTRATIVE: Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provision of this regulation.

FINANCIAL INSTITUTION: A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

FLOOD: (See *Section 8-2* for all definitions about flood and flooding conditions.)

FLOOR: The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA: The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from outside of the exterior

walls or from the centerline of party walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures.

FLOOR AREA RATIO: The total "floor area" of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

FRONTAGE DISTANCE: The width of a housing lot (in feet) that fronts along the street.

FULL CUTOFF LIGHT FIXTURE: A luminaire light distribution where no light is emitted above the horizontal and the intensity at 80 degrees from nadir is no greater than 100 candelas per 1000 lamp lumens.

GARAGE: A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

GLARE: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

GOVERNMENT BUILDING: A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

GRADE: The land or land level elevation at a specific point.

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

GRADE, NATURAL: The elevation of the ground surface in its natural state before manmade alterations

GREENHOUSE: An enclosed building, permanent or portable, used for the growth of small plants.

GREEN SPACE: Open space maintained in a natural, undisturbed, or revegetated condition.

GROUP HOME: A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others. Per Tennessee law, group homes are permitted in any district that allows residential use.

GROSS LEASABLE AREA: The total floor area for which the tenant pays rent and is designed for the tenant's occupancy and exclusive use.

HARD-SURFACED PAVING MATERIALS: Includes paving blocks, stone, brick, or concrete or asphalt that has been scored, colored, or otherwise configured to resemble pavers, stone, or brick.

HAZARDOUS WASTE: A substance or combination of substances, which, because of its quantity or concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or may pose a substantial present or potential hazard to human health or the environment when improperly used, handled, treated, stored, transported, disposed of, or otherwise managed. A material may be judged as hazardous if it is corrosive, reactive, ignitable, or toxic. The term "hazardous waste" shall be understood to include extremely hazardous waste and acutely hazardous waste.

HAZARDOUS WASTE DISPOSAL FACILITY: All structures, other appurtenances, and improvements to land used for treating, storing, or disposing of hazardous waste, including all operations or storage areas, diked overflow, or emergency spillway areas. A hazardous disposal facility may consist of several treatment, storage or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled or processed.

HAZARDOUS WASTE TREATMENT: The physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

HAZARDOUS OCCUPANCY: The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable, or explosive materials or materials that constitute a high fire hazard.

HAZARDOUS MATERIALS TREATMENT FACILITY: A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the *Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.)*, so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

- A. A facility which manufactures hazardous materials from component non-hazardous materials.
- B. A facility or location for the long term or perpetual storage of hazardous materials; or
- C. A facility for the treatment of hazardous materials which is clearly subordinate, incidental, and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

HEALTH DEPARTMENT: The Tennessee Department of Environment and Conservation, Division of Ground Water Protection, Robertson County Health Department.

HEAVY MANUFACTURING: The assembly, fabrication, or processing of goods and

materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds twenty-five (25) percent of the floor area of all buildings on the lot.

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

HELIPORT: A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

HISTORIC STRUCTURE OR SITE: Any structure that is:

- A. 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.
- B. 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.
- C. 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
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

HOME DAY CARE: Any place, home or institution which receives between five (5) and twelve (12) young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

HOME OCCUPATIONS: An occupation or business activity which results in a product or service and which: is conducted, in whole or in part, in either the dwelling or an accessory building normally associated with permitted uses; is conducted by at least one (1) family member occupying the residence; and is subordinate to the residential use of the dwelling and premises. Home occupations do not include garage sales, yard sales, Christmas bazaars, or home parties held for the purpose of distribution of goods or services. However, if such sales and parties are held more than four (4) times in any calendar year; or operate in excess of twenty-four more than days in a calendar year, such sales and parties shall be considered a home occupation.

HOSPITAL: An institution that:

- A. Offers services more intensive than those required for room, board, personal services and general nursing care.
- B. Offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring

diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and

- C. Regularly makes available clinical laboratory services, diagnostic services (including X-ray, C-T scan, etc.) and treatment facilities for surgery or obstetrical care or other definitive treatment.

This activity may include offices for medical or dental personnel, central service facilities such as pharmacies, medical laboratories, and other related uses.

HOTEL: A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, and all of whose rooms open onto heated corridors that are internal to the building.

IMPERVIOUS SURFACE: Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil. In the case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

IMPERVIOUS SURFACE RATIO: A ratio derived by dividing the impervious surface of a site by the gross area of the lot or parcel.

INCIDENTAL ALTERATIONS: Modifications to a building or structure that meet the following criteria:

- A. Changes or replacements in the nonstructural parts of a building or other structure, including but not limited to the following: (1) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created; (2) A minor addition to the exterior of a residential building, such as an open porch; (3) Alterations of interior non load-bearing partitions in all other types of buildings or other structures; or (4) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits.
- B. Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent: (1) Making windows or doors in exterior walls; (2) Replacement of building facades having non-load-bearing capacity; or (3) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

INDEPENDENT LIVING FACILITY: Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. "Independent Living Facilities" are distinguished from apartment building(s) by providing some communal services.

INDOOR RECREATION: Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCAs, or similar uses which are enclosed in buildings and are

operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation "structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

INERT DEBRIS: Solid waste consisting solely of virtually inert material that is likely to retain its physical and chemical structure under expected disposal conditions and that will not threaten groundwater standards. Inert debris includes concrete, brick, concrete block, uncontaminated soil, rock, and gravel. Inert debris does not include manufactured products, appliances, and the like.

INN: A building containing fewer than 30 individual rooms for the purpose of providing overnight lodging, food, and drink to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception.

INOPERATIVE VEHICLE: Any motor vehicle which is not legal for road use and is not mechanically functioning.

INTERCONNECTED: Refers to streets that provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.

INTEGRATED MULTIPLE USE DEVELOPMENT: A development containing three (3) or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following:

- A. Common driveways,
- B. Common parking,
- C. Common signage plan, and
- D. Common landscaping plan.

Examples are shopping centers and office parks, having the characteristics listed above. Such integrated developments may include out parcels for lease or sale. Any such integrated development may be organized as a condominium or analogous to a townhouse development (with ownership parcels beneath the building units and parking and driveways being in a common area owned and maintained by an Owners' Association).

JUNKYARD: Any land or structure used for a salvaging operation, including but not limited to the storage and/or sale of wastepaper, rags, scrap metal, machinery and discarded materials; the collection, dismantlement, storage, or salvage of five (5) or more unlicensed, inoperative vehicles, machinery, abandoned mobile homes that are not in serviceable condition and which it would not be economically feasible to make operative.

JUNKYARD OR SALVAGE YARD LARGE TRACTS: Any land containing five (5) acres or more being used for salvaging operation, including but not limited to: the storage and sale of waste paper, rags, scrap metal, machinery and discarded materials; the collection, dismantlement, storage, or salvage of five (5) or more unlicensed, inoperative vehicles, machinery, abandoned mobile homes that are not in serviceable condition and which it would not be economically feasible to make operative.

JUNKYARD OR SALVAGE YARD SMALL TRACTS: Any land containing less than five (5) acres or more being used for salvaging operation, including but not limited to: the storage and/or sale of waste paper, rags, scrap metal, machinery and discarded materials; the collection, dismantlement, storage, or salvage of unlicensed, inoperative vehicles, machinery, abandoned mobile homes that are not in serviceable condition and which it would not be economically feasible to make operative provided the number of vehicles does not exceed two (2) vehicles for tracts 2.5 acres or less and four (4) vehicles for tracts up to five (5) acres in size.

KENNEL, COMMERCIAL: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

KENNEL, PRIVATE: A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

LAND CLEARING DEBRIS: Waste generated solely through land clearing activities; such waste includes stumps, trees, limbs, brush, grass, and other naturally occurring vegetative matter.

LAND DISTURBING ACTIVITY: Any use of land by any person that changes the natural cover or topography or may contribute to sedimentation or soil compaction affecting the critical root zone.

LAND WITH INCIDENTAL IMPROVEMENTS: A tract of land containing improvements, including buildings or other structures, with a total assessed valuation of ten thousand dollars (\$10,000) or less.

LANDFILL, LAND CLEARING AND INERT DEBRIS (MAJOR): A disposal site, other than a "Minor Land Clearing and Inert Debris" site as defined in this section, for stumps, limbs, leaves, concrete, brick, untreated wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the Tennessee Department of Environment and Conservation, Division of Solid Waste Control. All facilities of this type shall meet requirements and be permitted as a "Class IV Disposal Facility" by the Tennessee Department of Environment and Conservation.

LANDFILL, LAND CLEARING AND INERT DEBRIS (MINOR): A disposal site for stumps, limbs, leaves, concrete, brick, untreated wood and uncontaminated earth which is less than two (2) acres in size and is in operation for one (1) year or less.

LANDFILL, SANITARY: A solid waste disposal facility designed to meet the minimum standards of the State of Tennessee wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology. All facilities of this type shall meet requirements and be permitted by the Tennessee Department of Environment and Conservation.

LANDOWNER: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for

purposes of submitting a proposed Site-Specific Development Plan in the manner allowed by this Ordinance.

LAND TRUST: A private, non-profit conservation organization that protects natural resources, such as productive farm and forest land, natural areas, historic structures, and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land, and some provide land-use and estate-planning services to local governments and individual citizens.

LANDSCAPE ARCHITECT: A registered landscape architect licensed by the State of Tennessee.

LANDSCAPE SURFACE AREA: Surface area of land not covered by any impervious surface maintained to support plant life.

LANDSCAPE SURFACE RATIO: The ratio derived by dividing the area of landscaped surface by the base site area.

LANDSCAPING: The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground covers, including grass, mulch, decorative stone, and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

LARGE MATURING TREE: A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. (See also canopy tree.)

LEVEE: Means a man-made structure, usually an earthen embankment, designed and constructed by sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LIGHT INDUSTRY OR MANUFACTURING: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

LIGHT TRESPASS: Any form of artificial illumination emanating from a light fixture or illuminated sign penetrating other property and creating a nuisance.

LOADING SPACE: An area twelve (12) feet by fifty (50) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

LOT: A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

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

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

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

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

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

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Register of Deeds before the effective date of this Zoning Ordinance.

LOT TYPES:

- A. Corner Lot: A lot located at the intersection of two or more streets, or abutting a curved street or streets so that the front building line meets either side lot line at an interior angle of less than 135 degrees.
- B. Interior Lot: A lot other than a corner lot with frontage on only one street.
- C. Through Lot: A lot other than a corner lot with frontage on more than one street.
- D. Reverse Frontage Lot: Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.
- E. Flag Lot: A lot with minimum road frontage on public street with the building site in the interior of a tract of land behind lots which front a public street. It typically resembles a flag on a pole. Flag lots are prohibited in all districts of the City..

LOT WIDTH: Lot width shall be determined based on the applicable definition below:

- A. The distance between the side lot lines measured along a minimum setback line established under the standards of prior legally controlling regulations.
- B. The distance between the side lot lines measured along a build-to line established under the standards of this Ordinance.
- C. Along the turnaround portion of a cul-de-sac, the distance between the side lot lines measured along a building frontage line established by legal subdivision plat or by actual building placement; or
- D. If no setback is required for a lot according to this Ordinance, and neither setback nor build-to line has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

LOT, ZONE (BUILDABLE LOT): One or more lots of record in one undivided ownership with sufficient total area, area exclusive of easements and flood hazards, total dimensions,

street access, and frontage to permit construction thereon of a principal building together with its required parking and planting yards.

MANUFACTURED HOME: A detached one-family dwelling with all the following characteristics:

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

Manufactured home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

MARINA, COMMERCIAL: A facility for the wet storage, launching and mooring of boats, together with all accessory structures and uses. The dry storage of boats is permitted as accessory to commercial marinas where outdoor storage shall adhere to the conditions of the district in which the use is located.

MASSAGE THERAPY: Health massage or bodywork therapy, performed by a practitioner having credentials in one of the following ways:

- A. Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or
- B. Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

MEDICAL FACILITIES:

- A. Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.
- B. Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

MINI-WAREHOUSE: A building or group of buildings in a controlled-access and fenced compound containing varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. At least one toilet facility shall be available to customers. No sales, service, or repair activities other than the rental of dead

storage units are permitted on the premises. Outdoor storage or the storage of junk, explosives, or flammable materials, and other noxious or dangerous materials are specifically prohibited.

MINIMUM FLOOR ELEVATION : The lowest elevation permissible for the construction, erection, or other floor placement, including a basement floor.

MIXED USE: A use which contains two or more platted parcels of dissimilar types of development including single-family or multi-family residential development, institutional uses commercial and industrial uses.

MIXED COMMERCIAL CENTER: This use includes any group of commercial establishments on a single lot that is not centrally planned, developed, or managed.

MOBILE HOME PARK: Any area, tract, site or plot of land after that three (3) or more mobile homes as herein defined are placed, located or maintained in single ownership for rental purposes, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

MOBILE HOME SPACE: A designated area within a mobile home park for the exclusive use of the occupants of a single home.

MODULAR HOME: A factory-manufactured dwelling designed for and occupied by not more than one (1) family certified as meeting the specifications of *Sections 68-36-301 through 68-36-320* of the Tennessee Code and mounted on a permanent foundation.

MOTOR VEHICLE, JUNKED: A motor vehicle that does not display a current license plate and is one or more of the following:

- A. Partially dismantled or wrecked.
- B. Cannot be self-propelled or moved in a manner in which it was originally intended to move; or
- C. More than ten (10) years old and appears to be worth less than two hundred fifty dollars (\$250.00); provided that any motor vehicle used regularly for business or personal use shall not be caused to be removed or disposed.

MOTEL: A building containing more than four individual rooms for the purpose of providing overnight lodging to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management, and reception, and some or all of whose rooms open directly on a parking area.

MULTIPLE BUILDING SITE: A group of two or more buildings established on a single development tract, having unified design of buildings, and collaborative organization of open space, parking, and service areas.

NATURAL CONDITION: The topography and vegetation of an unaltered area by clearing and grading during construction and protected in perpetuity.

NEIGHBORHOOD RECREATION: Public or private neighborhood, tennis, or other courts, swimming pools or similar indoor and outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located.

"Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for patrons of the principal recreational use.

NIGHTCLUB: Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets and similar establishments.

NONCOMPLYING BUILDING: Any building located on much record which does not meet the minimum area or width requirements established for yards or building setbacks established in these regulations or any amendment to it, whichever may be applicable.

NONCOMPLYING LOT: Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment to it, whichever may be applicable.

NONCONFORMING STRUCTURE: Any structure lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the zoning maps which render such structure nonconforming, which does not comply with all of the standards and regulations of this Ordinance or any amendments to it, whichever may be applicable.

NONCONFORMING USE: A lawful use of a building or other structure or a tract of land which does not conform to anyone (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of or as a result of any subsequent amendment to the zoning Ordinance.

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

NURSERY: An enterprise which conducts the retail and wholesale sale of plants (a minimum of fifty-one (51) percent of which must be grown on the site) as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels. Nurseries may contain accessory greenhouses.

NURSING HOME, CONVALESCENT. REST HOME, OR HOME FOR THE AGED: A facility or housing development in which an agency, organization, or individual provides care for three (3) or more handicapped and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

OCCUPANCY: The principal use of land for performing a function or operation by a person, firm, corporation, or association as a single legal entity. For the purposes of this Ordinance there shall be only one principal use of land by any one person, firm, corporation, association, or legal entity.

OFF-STREET PARKING: Parking occurs on a lot and not on a street or other public right of way.

OFFICE: A use or structure in which business or professional services are conducted or rendered.

OPEN SPACE: The portion of a site consisting of reserved common areas in vegetation, agricultural, forested or grasslands which in its present state would:

- A. Conserve and enhance natural or scenic resources.
- B. Protect streams and water supply,
- C. Promote conservation of soils, wetlands, steep slopes or floodplains.
- D. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries; or
- E. Enhance recreational opportunities.

OPEN SPACE DEVELOPMENT: A development pattern that arranges the layout of buildings in a compact site area to preserve a portion of the site for community open space or green space protected in perpetuity.

OPEN SPACE, USABLE: Common Open Space comprises areas readily accessible, practical, and generally acceptable for active and passive recreational uses.

OUTDOOR LIGHTING: Any light source installed or mounted outside an enclosed building, but not including streetlights installed or maintained along public or private streets.

OUTDOOR RECREATION: Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses designed and intended primarily for patrons of the principal recreational use.

OUTPARCEL: A regularly shaped subdivided or leased parcel within but along a portion of the public street frontage of an integrated multiple use development (refer to "Integrated Multiple Use Development" in this Section) containing a principal use that is ancillary to the development.

OWNER: Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety with legal title to the whole or part of a structure or parcel of land. Any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others: (1) has legal or equitable title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the estate of the beneficial owner. The person shown on the records of the Recorder of Deeds of the county to be the owner of a particular property shall be presumed to be in control of that property.

OWNERS ASSOCIATION: The non-profit corporation or association created to own, lease, or provide management, maintenance, preservation, and control of the contiguous or noncontiguous lots, parcels, areas, or improvements owned in common or the lots, parcels, areas, or improvements separately owned or, in which there is a right to exclusive occupancy, or both types of ownership, common and separate, or any portion of or interest in them.

OWNERSHIP, COMMON: Ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots. Additionally, ownership by any association (such ownership may include a municipality) of one or more lots under specific development techniques.

PARCEL: Any quantity of land and/or water capable of being described in absolute terms concerning its location and boundaries. It may be established as distinct from other parcels designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARK: Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

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

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

PARTY WALL: A wall on an interior lot line, used or adopted for joint service between two (2) buildings; such walls shall extend from the foundation to the underside of roof sheathing without openings which would permit the spread of fire from one building to another and shall fully comply with fire and all other provisions and standards established for such walls.

PERMANENT ACCESS EASEMENT: A perpetual easement guaranteeing right of ingress and egress to and from the premises of a lot owner to a street appurtenant to the owner's land. Any permanent access easement utilized as the sole means of providing legal access to two (2) or more parcels of land shall be:

- A. Designed to ensure continuing adequate ingress and egress for emergency vehicles; and
- B. Assured adequate continuing maintenance by an owner's association or similar organization.
- C. The portion of the permanent access easement intended for ingress and egress shall, unless located within a Planned Unit Development district, be constructed to the standards of a public street, as specified in the Subdivision Regulations.
- D. Where a permanent access easement is located within a PUD district, the design standard shall be as approved in the development plans required.

PERFORMANCE GUARANTEE: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

PERSON: An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PLANNED UNIT DEVELOPMENT: An interrelated development adhering to a master development plan and located on a single planned area of land which:

- A. has both individual building sites and common property such as parks, and
- B. is designed and organized to be capable of acceptable use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private. Also, a parcel of land as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards, setbacks, and height limitations) or land use restrictions (such as prohibitions against mixing land uses within a development). Cluster developments and mixed-use developments may be classified as planned unit developments.

PLANNING COMMISSION: The City of Adams Municipal Planning Commission.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PORCH: A roofed open area, usually attached to or part of and with direct access to or from a building. This area cannot be heated or air conditioned. Side and rear porches may be screened, but front porches may not be screened or enclosed in any manner.

PREFABRICATED DWELLING: A single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer. As used in this Ordinance the term "prefabricated dwelling" does not include "manufactured homes" constructed as a single self-contained unit and mounted on a single chassis and as further defined in Section 68-126-202, (4), (6) and (7), of the Tennessee Code.

PRINCIPAL BUILDING OR STRUCTURE: A building or structure in which is conducted the principal use(s) of the zone lot on which it is located or, in a group development, of the building site on which it located.

PRINCIPAL USE: The primary purpose or function that a lot serves or is proposed to serve.

PRIVATE COURTYARD: An area enclosed on at least three sides by the vertical rise of building walls providing a pedestrian open space constructed of hard-surfaced paving materials and landscaping.

PRIVATE RECREATIONAL CLUB: Recreational center for the exclusive use of members and their guests with facilities usually including swimming pools and/or tennis courts, but specifically exclusively golf courses.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration system employed for the collection and treatment and/or disposal of wastewater, as approved by the Tennessee Department of Environment and Conservation.

PROJECT AREA: Any land and/or water area, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

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

PROPOSED RIGHT-OF-WAY LINE: The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by the thoroughfare's classification and dimensional requirements or locational criteria as established in the Subdivision Regulations.

PRUNING: The cutting off or removal of dead or living parts of a tree or shrub to improve growth.

PUBLIC IMPROVEMENT: Any improvement, facility, or service, together with customary improvements and appurtenances to it, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

PUBLIC HEALTH CENTER: A facility utilized by a health unit for the provision of public health services.

PUBLIC SEWER: Includes any local government sewer system and other sewer systems approved by the State Health Department and maintained by a public or private agency authorized to operate such systems.

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

PUBLIC UTILITIES: Above ground or underground publicly licensed utilities including water, sanitary sewer collection and distribution line, natural gas, cable television, storm water drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, and transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

PUBLIC UTILITY STRUCTURE: An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

PUBLIC WASTEWATER OR SEWER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State of Tennessee Department of Health and Environment and the Public Service Commission.

QUARRY: An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

RECYCLING COLLECTION POINT: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed. This facility is generally located in a shopping center parking lot or in other public/quasi-public areas, such as at churches and schools and is not intended for use by commercial or industrial establishments. A Recycling Collection Point may also include a facility for the temporary collection of used clothing and household goods.

RECYCLING PROCESSING CENTER: A facility whose primary use is for collection and processing of recyclable materials. The principal function is to separate and store materials that are ready for end-use markets, such as paper mills, aluminum smelters, or plastics remanufacturing plants. The processing involves the use of power-driven processing equipment in the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

REDEVELOPMENT: The demolition and reconstruction of a building or a portion of a building.

RELIGIOUS INSTITUTION: A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, cemetery, or dwelling, located on the same lot.

RESEARCH LABORATORY: A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the main site of a health institution or university.

RESIDENTIAL USE: Any detached, duplex, triplex, quadraplex, attached, or multifamily dwelling, manufactured home, group home, limited residence boarding house, or dormitory.

RESTAURANT: A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

RESTAURANT, FAST FOOD: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state. The products sold are usually served in containers that are either edible or made of paper, plastic, or other disposable material. Consumption of the products may be within the restaurant building, a motor vehicle that is parked on the premises, or off the premises, in car or home or other locations as carry-out services.

RESTAURANT, STANDARD: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one (1) or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and

beverages are consumed, or

- B. A cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

RETAIL ESTABLISHMENT: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

RETIREMENT COMMUNITIES: Single family and attached housing under single ownership on a parcel of land designed for active adults and independent persons over age fifty-five (55) not requiring health support services such as medical and nursing care on site. Each living unit is self-contained and is physically accessible to older and disabled persons. Retirement Communities are distinguished from apartments by the provision of some communal services.

RIDING ACADEMY: A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for-profit basis.

RIGHT-OF-WAY: The minimum right-of-way on all streets shall be fifty (50) feet which measures twenty-five (25) feet from the center line. On all collector streets, the right-of-way shall be thirty (30) feet from the street center line. On all arterial streets, the right-of-way shall be a minimum of forty (40) feet on each side of the street center line. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Adams, Tennessee. The outer boundary of the right-of-way is contiguous with any property line abutting the street.

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

ROOMING HOUSE: A dwelling with one (1) kitchen in which lodging is provided by the owner or operator to more than three (3) residents.

ROOMING UNIT: A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary, facilities provided therein.

SALVAGE YARD, AUTO PARTS: Any land or area used, in whole or in part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts there from.

SALVAGE YARD, SCRAP PROCESSING: Any land or area used, in whole or in part, for the storage, keeping, or accumulation of scrap or waste materials, including scrap metals, wastepaper, rags, building materials, machinery, or other scrap materials.

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

SCREENING: A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

SEDIMENTATION: The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

SEMI-TRAILER: A vehicle without motive power, factory or reconstructive designed, to be drawn on highways by a motor vehicle (primarily, a truck tractor) and so built that some part of its weight and that of its load rests upon the towing vehicle when attached; the semi-trailer can be unhitched and stored or parked separately when attached to motive power and may or may not be loaded while parked.

SEPTIC TANK SYSTEM: A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

SETBACK, ESTABLISHED: The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. (See also Yards).

SETBACK, REQUIRED: The minimum distance required by this Ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot.

SEXUALLY ORIENTED MATERIAL: Means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state even if completely covered.

SHELTER, FALL OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids storms, or other emergencies.

SHELTER, TEMPORARY: A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address.

SHELTER FOR THE HOMELESS: A facility operating year-round which provides lodging and supportive services (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) for indigent individuals and/or families with no regular home or residential address.

SHIELDED LIGHT FIXTURE: A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

SHOPPING CENTER: A group of two or more retail establishments or restaurants, including all associated out-parcels (whether or not they have been subdivided from the primary tract), having a unified design of buildings, coordinated parking and service areas, and developed in accordance with the requirements of the zoning district in which it is located.

SHORT TERM RENTAL UNIT: A residential dwelling, per Section 13-7-601 thru 606 of the Tennessee Code that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in Section 68-14-302 of the Tennessee Code, or a bed and breakfast establishment per Section 68-14-502 of the Tennessee Code. This includes, but is not limited to, a cabin, house, condominium, or apartment.

SHRUB: Vegetation that is planted for ornamental or screening purposes.

SIGNIFICANT TREE: Any tree other than a pine tree with a caliper of eighteen (18) inches or more.

SILVICULTURE: Science and art of cultivating forest crops based on the study of life history and general characteristics of forest trees.

SINKHOLE: A topographic feature defining a depression in the ground's surface, typically formed by the collapse of underlying strata, which surface water drains into but drains out primarily via infiltration. For the purpose of this Ordinance, a sinkhole shall be considered as encompassing the entire area lying within the depression, plus an additional area fifty (50) feet wide around the edge of the depression.

SITE DEVELOPMENT PLAN: A plan of land development submitted by the landowner to the City of Adams Municipal Planning Commission for the purpose of obtaining a zoning vested right and for the purpose of obtaining one of the following zoning or land use approvals:

- A. Residential Site Plan pursuant to Section 11-3.0 (Site Plan Required):
- B. Site Plan pursuant to Section 11-3.0 (Site Plan Required):
- C. Conditional Zoning Site Plan pursuant to Section 11-8.9 (Submission of Site Plans):
- D. Site Plan pursuant to Section 11-3.0 (Submission of Site Plans):
- E. Final Master Plan pursuant to Section 7-5 and 7-6, (Final Master Plan Approval).

Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site development plan.

SMALL MATURING TREES: A tree whose height is less than thirty-five (35) feet at maturity and meets the specifications of "American Standards for Nursery Stock "published by the American Association of Nurserymen.

SPECIAL INSTITUTIONAL CARE FACILITIES: Means all types of institutional care facilities that involve forced residency, full-time supervision, and/or walk-in care for:

- A. Individuals legally confined due to violations of law.
- B. Individuals who are addicted to drugs and/or alcohol and,
- C. Individuals who are mentally ill, including the criminally dangerous. Under the terms of this Ordinance, the following uses are considered to be special institutional care facilities: detention and/or correctional institutions, drug and alcohol rehabilitation facilities, halfway houses serving convicted felons or recovering substance abusers, institutional

care facilities including all types of asylums for the psychotic or insane, and substance control centers serving recovering substance abusers.

SOLID WASTE: Garbage, trash, refuse, abandoned material, spent material, byproducts, scrap, ash, sludge, and all discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, and from community activities. Solid includes, without limitation, recyclable material when it is discarded or when it is used in a manner constituting disposal. Solid waste does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.).

SOLID WASTE DISPOSAL: The process of permanently or indefinitely placing, confining, compacting, or covering solid waste.

SOLID WASTE PROCESSING: An operation for the purpose of modifying the characteristics or properties of solid waste to facilitate transportation or disposal of solid wastes including but not limited to, incineration, composting, separation, grinding, shredding, and volume reduction. (From Rule 1200-1-7-.01 (2) (Tennessee Rules Governing Solid Waste Management in Tennessee)).

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

SPECIFIED ANATOMICAL AREAS: Any of the following:

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

SPECIFIED SEXUAL ACTIVITY: Means activities, services or performances that include the following sexual activities and/or exhibition of the following areas:

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

SPECIMEN TREE: A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a

specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- A. Large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g. pines sp.) in good or better condition with a DBH of twenty-four (24) inches or greater
- B. Smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of twelve (12) or greater
- C. Lesser-sized trees of rare species or special intrinsic value as approved by staff.

STABLE, PRIVATE: Any building, incidental to an existing residential principal use that shelters horses for the exclusive use of the occupants of the premises.

STADIUM: A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

START OF CONSTRUCTION: The date the building permit is issued, provided the actual start of activity was within one hundred eighty (180) days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a 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 or filling; nor does it include the installation of streets and/or sidewalks; 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.

STORAGE TRAILER: A structure originally constructed with wheels in order to be transported over the highways but now no longer transported and now converted to use as a storage structure. An uncoupled truck trailer, an inoperable travel trailer, and an uninhabitable manufactured dwelling all meet this definition if used for storage of materials of any kind. An uncoupled truck trailer placed at a church, school, government building, or business for the acceptance of goods donated to charity or dropped off for recycling and towed away on a regular schedule or whenever full does not meet this definition. A construction trailer at a construction site does not meet this definition.

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

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one (1) lot and which has been legally dedicated and accepted for public use.

STREET LINE: The outer boundary of a street right-of-way.

STREET ORIENTATION: The direction of the architectural front facade of a building in relation to the street.

STREET, PRIVATE: An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

STREET, PUBLIC: A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by a City of Adams, Tennessee, or State of Tennessee.

STREET RIGHT-OF-WAY: Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the City, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the City; or has otherwise been established as a public street before the adoption of this Ordinance.

STREET TREE: A tree planted along a street right-of-way or public access easement, excluding alleys. The tree must be a large maturing deciduous canopy tree on the approved tree list.

STREET YARD: The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

STRUCTURE: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, accessory buildings, billboards, fences, swimming pools, tennis courts, signs, sewage treatment plants, sheds, signs, docks, mooring areas, and similar accessory construction.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds fifty (50) percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing State or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

SUBDIVISION: Any subdivision or re-subdivision of a parcel of land as defined under 13-3-401 Tennessee Code.

SWALE: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

TEMPORARY EVENT: An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events, and other similar activities.

TEMPORARY STRUCTURE: A building that is placed on a lot for a specific purpose and is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, guard houses, and produce stands.

THOROUGHFARE: Any street so designated on the adopted thoroughfare

THOROUGHFARE PLAN: The most recent map adopted by the Robertson County Commission which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

TOPPING: Any pruning of trees that results in removal of the foliage and limbs that leads to disfigurement or abnormal shape of a tree. Also known as rounding-over, heading-back, dehorning, capping, and hat racking.

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

TRACTOR TRAILER RIG: A motor powered truck tractor vehicle, factory or reconstructive designed, to be attached to a semi-trailer and, when so attached is utilized as a mobile rig to transport, convey, or move freight, goods, products, and merchandise of all types on highways from one location to another generally for commercial and industrial purposes; the truck tractor vehicle is used primarily for drawing other non-motorized vehicles and not so constructed to carry a load other than a part of the weight of the vehicle and the load so drawn.

TRADITIONAL NEIGHBORHOOD: A traditional neighborhood incorporates design principles that produce compact, mixed-use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

- A. Residences, shops, workplaces, and civic buildings are located in close proximity.
- B. A well-defined and detailed system of interconnected streets serves the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.
- C. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
- D. Private buildings form a clear edge, delineating the private from the public realm.
- E. Civic buildings reinforce the neighborhood's identity, providing places of assembly for

social, cultural, and religious activities.

Traditional neighborhoods pursue certain objectives through their design.

- A. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
- B. Reduced traffic congestion and road construction costs by reducing the number and length of car trips.
- C. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
- D. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
- E. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
- F. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

TRANSITIONAL SETBACK OR YARD: That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

TRANSITIONAL USE: A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

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

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

TREE SURVEY: A description, for identification, of the existing trees, understory vegetation, and topographical features on a site before development and site design.

UNBUILDABLE LAND: The area of a site that includes the following:

- A. All land located within any "floodway" as regulated by Article VIII, (Floodplain District).
- B. All land located on "Prohibitive Steep Slopes".
- C. All land composed of "water hazard soils".

UNIFORMITY RATIO: The variation of luminance on a development site expressed as a ratio from the minimum to the maximum luminance. For example, a uniformity ratio of four to one (4:1) means that the maximum luminance on a site does not exceed four times the minimum luminance. So, if a site has an area with a minimum luminance of five (5) foot-candles and a

uniformity ratio requirement of four to one (4:1), the maximum luminance permitted anywhere else on the site cannot exceed twenty (20) foot-candles.

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

USE, ACCESSORY: A use which:

- A. is subordinate to and serves a principal structure or a principal use,
- B. is subordinate in area, extent, and purpose to the principal structure or use served,
- C. is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Ordinance, and
- D. is customarily incidental to the principal structure or use.

USE, PRINCIPAL: The specific primary purpose for which land is used.

USE, TEMPORARY: A temporary use is one established for a fixed period of time with the intent of discontinuing such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

VARIANCE: Permission to depart from the literal requirements of this Ordinance granted pursuant to Section 11-6.0.

VEHICULAR USE AREA: Vehicular use area as used in this Ordinance shall mean any group surface area, except public right-of-way, used by any type of vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, filling stations and grocery stores.

VESTED RIGHT: The right to undertake and/or complete development and use of property under the terms and conditions of a local government-approved development plan.

VIOLATION: Means the failure of a structure or other development to be fully compliant with the provisions of these regulations.

VOCATIONAL SCHOOL: A use, whether privately-owned or publicly owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar skills.

WAREHOUSING: The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

WASTEWATER TREATMENT FACILITY: A facility operated by a licensed utility, in compliance with all applicable state, county, and city regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one non-residential activity or more than four dwelling units.

WHOLESALE ESTABLISHMENT: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

WORKING DAY: Any day on which the offices of the City of Adams are officially open, not including Saturdays, Sundays, and other holidays designated by the City Commissioners.

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

YARD, FRONT: The yard extending across the entire width of the lot between the right-of-way and the nearest part of the principal building, including covered porches or the front building setback line. For lots not having frontage on a public road this setback shall be the lot line closest to the public road that provides access to the lot.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches or the rear building setback line and the rear lot line or the lot line farthest from the street fronting the lot. For lots not having frontage on a public road this setback shall be the lot line furthest from the road that provides access to the lot.

YARD, SIDE: The required space unoccupied, except as herein provided, measured between the side lot line and the nearest point of the principal building or side building setback line and between the required front yard and the required rear yard. For lots not having frontage on a public road this setback shall be the lot lines parallel to the road that provides access to the lot.

YARD TRASH: Solid waste consisting of vegetative material resulting from landscaping and yard maintenance, such as brush, grass, leaves, tree limbs and similar material.

ZERO LOT LINE: The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a side yard house.

ZONING ADMINISTRATOR: The employee(s) or agent(s) designated by the City of Adams to oversee the administration and enforcement of these regulations.

ZONING CERTIFICATE: A written certificate that a structure, use or parcel of land is, or will be, in compliance with the requirements of this Ordinance.

ZONING MAP: The map and/or detailed maps showing the location and boundaries of the zoning districts established by this Ordinance. These maps are entitled, "Official Zoning Maps, Adams, Tennessee."

2-3 Sign Definitions

For the regulation of signs according to this ordinance, the following words and phrases shall be defined as specified below.

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

ADVERTISING SIGN: a sign which directs attention to a business commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all. (off premises sign).

ANIMATED SIGN: any sign that uses movement or change of lighting to depict action or create a special effect or scene.

ATTENTION-ATTRACTING DEVICE: any device or object visible from any public street which is primarily designed to attract the attention of the public to a business(s), institution, sign, or activity through such means, including but not limited to illumination, color, size, or location. Attention-attracting devices or objects oftentimes incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, streamers, pennants, propellers, and inflatable objects (including strings of balloons) or other device/objects designed to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices for purposes of this ordinance.

AUXILIARY SIGN: a sign which provides certain information such as direction, price, sales information, hours of operation, or warning, and which does not include names, brand names, or information regarding product lines or services. Examples of such signs include directories of tenants in buildings; "no trespassing" signs, and signs which list prices of gasoline.

AWNING: a fabric, plastic or other non-rigid protective covering that extends from the exterior wall of a building and is supported by or attached to a frame.

AWNING SIGN: a sign attached to or incorporated into an awning.

Banner: any sign of lightweight fabric or similar material that is mounted to a building. National flags, state or municipal flags, or the official flag of any institution shall not be considered a banner.

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

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

BUILDING MARKER: any sign which is an integral part of a building facade indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, carved in, or otherwise permanently embedded in the facade or made of bronze or other permanent material as a plaque.

BUILDING, PRINCIPAL: a building in which is conducted the principal use of the lot on which it is situated. A multi-occupant property may have more than one principal building, but only structures regularly used for human occupancy may be considered principal buildings. Any

structure designated as accessory building on an approved site plan or not meeting required principal building setbacks cannot be considered as a principal building.

BUILDING SIGN: any sign attached to any part of a building, as contrasted to a "freestanding sign."

BUILDING WALL: an exterior load-bearing or non-load-bearing vertical structure, which encompasses the area between the final grade elevation and eaves of the building and is used to enclose functional space within the building.

BUSINESS SIGN: a sign which directs attention to the business or profession conducted on the premises.

CAMPAIGN SIGN: a sign expressing support for a candidate for public office or another position regarding a public figure or a public issue but bearing no commercial message whatsoever.

CANOPY: a rigid roof, generally supported at all corners or extremities by poles, posts or direct attachment to a building; a canopy typically has little vertical or wall space on it and is only as thick as necessary to create a functional roof.

CHANGEABLE COPY SIGN: a sign that is capable of changing the position or format of word messages or other displays on the sign face and that can also change the visible display of words, numbers, symbols, and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures, or other methods, and such changes are actuated by a control mechanism, rather than being made manually on the face of the sign. A sign on which the message changes more than eight times per calendar day shall be considered an animated sign and not a changing sign for purposes of this ordinance.

COMMERCIAL MESSAGE: any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

DIRECTIONAL SIGNS: off-site directional signs are permitted to give sufficient notice of the location of governmental facilities, hospitals, colleges, schools, and unincorporated communities.

DIRECTORY SIGN: a ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows, or other directional information.

FLAG: any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

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

FREESTANDING SIGN: a sign not attached to a building or other structure than its own support, supported by one or more columns, uprights, or braces in or upon the ground.

GROUND SIGN: a self-supporting sign resting on or supported by means of poles, standards, or any other type of base, on the ground. All freestanding signs are considered ground signs, except for off-site signs.

ILLUMINATED SIGN: a sign designed to give forth any artificial light or reflect such light from an artificial source.

INCIDENTAL SIGN: a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and similar information and directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

INSTITUTIONAL USE: a school, religious institution, or other use operated by a public agency or non-profit organization and permitted as a use in one or more residential zoning districts in the city. A day-care facility shall be considered an institution regardless of ownership or operation.

INSTITUTIONAL SIGN: a sign identifying or advertising an institutional or business use permitted in a residential district, where such sign is located on the same premises as such use.

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

MESSENGER SIGN: a sign displaying the time, date, temperature, or other information not pertinent to a specific product, activity, or land use.

MONUMENT SIGN: a type of sign affixed directly to the ground or affixed directly to a solid base without visibility between the sign and the base or between the base and the ground or a sign above ground level supported by a post or posts which are concealed from visibility by a curtain wall of brick or similar material constructed around the base of the sign.

NONCONFORMING SIGN: any sign that does not conform to the requirements of this ordinance.

OFF-SITE SIGN: a sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

ON-PREMISES SIGN: a sign relating to a product, service, or establishment on the premises on which the sign is located.

ON-SITE: located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site. Open space. Undeveloped land is used primarily for resource protection or recreational purposes.

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

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

PORTABLE SIGN: Any sign not permanently attached to the ground designed to be transported by means of wheels.

PROJECTING SIGN: Any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.

REAL ESTATE SIGN: A sign advertising property or a building for sale, lease or rent.

RESIDENTIAL SIGN: A sign, typically located in a district zoned for residential use, meeting the standards of this Ordinance for a residential sign, and containing no commercial message.

ROOF SIGN: A sign that is placed above or supported on the top of a building.

ROOF SIGN, INTEGRAL: Any sign erected and constructed as an integral or essential integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SETBACK: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

SIGN: Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, religious group, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include: the flag or emblem of any nation, organization of nations, state, county, city, religious, fraternal, or civic organization; merchandise and pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields. Products or equipment displayed or stored in a manner in which they are normally used and consistent with approved site plan do not constitute a sign. All signs that can be read or understood from the property line will count as part of the sign square footage allowed for that parcel. Any sign authorized in this Ordinance is allowed to contain non-commercial copy in-lieu-of other copy.

SUSPENDED SIGN: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted. A temporary sign is constructed of cloth, canvas, fabric, paper, plywood, or other light material. Included in this category are retailers' signs temporarily displayed for the purpose of informing

the public of a sale or "special" offer that is intended to be displayed for a short period of time only. (A maximum of six (6) months.)

WALL SIGN: Any sign attached parallel to, but within six inches of a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN: Any sign that is placed inside a window or upon the window panes or glass and is legible from the exterior of the window.

ARTICLE III GENERAL PROVISIONS

SECTION:

- 3-1 Scope**
- 3-2 Only One (1) Principal Building on Any Lot**
- 3-3 Lot Must Access a Public Road**
- 3-4 Reduction in Lot Area Prohibited**
- 3-5 Rear Yard Abutting a Public Road**
- 3-6 Corner Lots**
- 3-7 Future Road Line**
- 3-8 Obstruction to Vision at a Street Intersection Prohibited**
- 3-9 Access Control**
- 3-10 Accessory Uses & Buildings**
- 3-11 Buffer Strips**
- 3-12 Site Plan Requirements**
- 3-13 Mail Delivery Design / Centralized Mail Delivery Installations**

3-1 Scope

For the purpose of the zoning ordinance, the following general provisions shall apply, except as specifically noted, to the City of Adams as a whole.

3-2 Only One (1) Principal Building on Any Lot

Only one (1) principal building and its accessory structures may hereafter be erected on any zone lot. This provision shall not apply to planned unit developments, group housing developments, and mobile home parks as permitted in this ordinance.

Lots used for agricultural purposes which exceed fifteen (15) acres, may have up to two (2) additional dwelling units for members of the immediate family thereof or persons employed full-time thereon and their families. The site of each dwelling unit shall meet all the district's minimum lot and yard requirements such that the site can be subdivided from the remaining acreage if necessary.

3-3 Lot Must Access a Public Road

All buildings and building lots shall have permanent access to a public road. This access must meet one of the following criteria for access and be constructed to maximize sight distance and limit to ensure that traffic congestion as a result of turning movements is reduced to a minimum.

- A. Agricultural and Residential lots located on existing roads or those constructed as a part of a subdivision shall front on an accepted public road a minimum of fifty (50) feet unless

the lot abuts a cul-de-sac, in which case the frontage shall be thirty (30) feet or is part of an approved Planned Unit Development as authorized by Article VI of this Ordinance. Flag lots are prohibited in all zoning districts of the City.

- B. Individual Agricultural and Residential lots are permitted that only have access provided by fifty (50) foot ingress-egress easement. This easement shall only serve one individual building lot and not be part of the required road frontage for another lot. Flag lots are prohibited in all zoning districts of the City.
- C. All commercial, industrial, and nonresidential uses must have a minimum frontage of fifty (50) feet on any public road. Lots with minimum frontage are encouraged to develop shared access points with additional tracts, subject to approval by the Planning Commission. Flag lots are prohibited in all zoning districts of the City.
- D. Residential subdivisions or tract developments containing lots meeting the frontage requirements outlined in Article VI in this section but constructing a private road to provide access to each are required to meet the following standards.
 - 1. Provide a separate fifty (50) foot ingress-egress easement for these lots and construct a twenty- (20) foot double bituminous drive to each lot for access.
 - 2. Obtain a driveway permit from the City of Adams and install a minimum fifteen- (15) inch culvert with headwalls in the ditch where the drive intersects with the public road. In cases where a larger culvert is needed, the City of Adams' engineer will determine the pipe size.
 - 3. All private roads shall provide adequate drainage along the roadway and have all ditches stabilized to the requirements established in the Subdivision Regulations.
 - 4. Each development containing private roads must adopt a permanent covenant containing a yearly assessment of each lot for road maintenance. Such covenants shall also contain the provisions and requirements by which the owners may petition the City of Adams to accept the private road as a public road.
 - 5. Maintain a minimum separation of two hundred (200) feet between any other easement or public road.
 - 6. Each development containing private roads must adopt a permanent covenant containing a yearly assessment of each lot for road maintenance. Such covenants shall also contain the provisions and requirements by which the owners may petition the City of Adams to accept the private road as a public road.
 - 7. Provide a statement on the recorded plat and covenants stating that the owners of the private road are required to obtain the required right-of-way and bring the road up to current road standards for a residential road as outlined in the Subdivision Regulations before petitioning the City to accept it as a public street.
 - 8. All private roads must be at least two hundred (200) feet apart on minor and collector streets and four hundred (400) feet apart on arterial roads.
 - 9. All large lot subdivisions established under the provisions of this ordinance must meet the standards established in the Subdivision Regulations for plat approval and be approved by the Planning Commission.

- E. Residential subdivisions or developments containing lots not meeting the frontage requirements outlined in A or B in this section but constructing a private controlled entrance road to provide access to each are required to meet the following standards.
1. Provide a separate thirty (30) foot public ingress-egress easement for these lots and construct a twenty-two (22) foot paved road equal to requirements established in the Subdivision Regulations.
 2. All private roads shall provide adequate drainage along the roadway with either curbs or stabilized ditches with headwalls on all culverts that meet the requirements established in the Subdivision Regulations. All portions of this easement shall be constructed with the capacity to support all emergency vehicles.
 3. Construction plans for all improvements shall be submitted to the Planning Commission and approved by the City of Adams' engineer.
 4. Each development containing private roads must adopt a permanent covenant containing a yearly assessment of each lot for road maintenance. Such covenants shall also contain the provisions and requirements by which the owners may petition the City of Adams to accept the private road as a public road.
 5. Private roads must always allow public safety access to the development in the event of an emergency. Should a gate be installed limiting access to the site, it shall be manned at all times or gated so that public safety vehicles can open the gate at all times.

3-4 Reduction in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in the area so that yards, lot area per family, lot width, building area, or other requirements of the Zoning Ordinance are not maintained. No part of any yard, other open space, automobile storage area, or loading or unloading space provided about any building to comply with these regulations shall be considered as providing such space similarly required for any other structure. This section shall not apply when a portion of a lot is acquired for a public purpose.

3-5 Rear Yard Abutting a Public Road

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

3-6 Corner Lots

The front yard setback for each side of the lot facing a street shall be calculated by taking the average of each front setback of adjoining two lots and dividing it by two. The side yard setback requirements shall remain consistent with the underlying zone requirement.

3-7 Future Road Line

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

3-8 Obstruction to Vision at Street Intersection Prohibited

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

3-9 Access Control

- A. To promote the safety of the motorist and pedestrians and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:
- B. The point of vehicle access onto a street shall be a maximum of thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet but not exceeding forty (40) feet in width, providing that they do not exceed fifty (50) percent of their respective road frontage.
- C. All points of access shall be constructed to provide for proper drainage.
- D. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- E. No point of access shall be allowed within twenty (20) feet of the right-of-way line of a public intersection.
- F. No curbs or shoulders on city streets or rights-of-way shall be cut or altered without the approval of the City of Adams, or if located on a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- G. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall be at least twenty-five (25) feet.
- H. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

3-10 Accessory Uses and Buildings

3-10.1 General Provisions.

The use of land, buildings, and other structures permitted in each district established by this Ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses that are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory used shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.

3-10.2 Location of Accessory Buildings

No accessory building shall be erected or maintained in any required front yards. Accessory buildings shall be at least five (5) feet from any side or rear property line or drainage or utility easement except for agricultural buildings, which shall comply with the above provisions.

3-11 Buffer Strips

Where use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer shall provide a landscaped buffer strip at the point of the abutment. Buffers are required between industrial and commercial districts. (See definitions section.) The buffer strip shall be at least fifteen (15) feet in width.

3-12 Site Plan Requirements

The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion: to obtain maximum convenience, safety, economy, and identify in relation to adjacent sites: and to provide maximum flexibility for expansion, change in use, and adapting to individual needs. Thus, applicants for building permits must submit ten (10) copies of the site drawings drawn to scale and prepared by a licensed surveyor, civil engineer, architect, or landscape architect containing the information required by Article XI, 11-3.0.

3-13 Mail Delivery Design / Centralized Mail Delivery Installations

During a new residential or nonresidential development's design and planning phase, applicants including developers and builders are required by the United States Postal Service to notify the local Postmaster. Developers and builders should plan for basic or customized Centralized Mail Delivery Installations for residential or non-residential developments, such as Cluster Box Units (CBUs).

The layout and design of centralized delivery installations must meet the requirements of the United State Post Office. Exceptions to the centralized mail delivery installation requirement is subject to the discretion of the local Postmaster. Centralized mail delivery installations shall be an included detail on a site plan, per Article III, Section 3-12.0, or for any subdivisions of land and subject to the requirements provided for plats in the Adams Subdivision Regulations.

**ARTICLE IV:
SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS**

SECTION:

- 4-1 Temporary Use Regulations**
- 4-2 Customary Incidental Home Occupation**
- 4-3 Development Standards for Gasoline Service Stations**
- 4-4 Development Standards for Residential Swimming Pools**
- 4-5 Development Standards for Group Housing Projects**
- 4-6 Development Standards for Mobile Home Parks**
- 4-7 Development Standards for Automobile Wrecking, Junk, and Salvage Yards**
- 4-8 Development Standards for Cemeteries**
- 4-9 Minimum Design Standards for Transmission/Communication Towers and Stations**
- 4-10 Residential Cluster Development and Open Space Conservation Design Overlay Provisions**
- 4-11 Special Conditions for Permitting a Bed and Breakfast Home**

4-1 Temporary Use Regulations

The following regulations are necessary to govern the operation of certain necessary or seasonal uses that are non-permanent. The following uses are deemed temporary and shall be subject to the specific regulations and time limits that follow and to the regulations of any district where such use is located. Application for a Temporary Use Permit shall be made through the Adams Building Official's office. Said application shall contain the following:

1. A graphic description of the property to be utilized.
 2. A site plan.
 3. A description of the proposed use.
 4. Sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use.
- A. Carnivals or Circuses: May obtain a Temporary Use Permit in the Agricultural or Commercial Districts; however, such permit shall be valid for fifteen (15) days maximum. Such use shall be permitted on lots where adequate off-street parking can be provided.
- B. Limited Duration Goods and Merchandise: May obtain a thirty (30) day Temporary Use permit to display and sell limited duration goods and merchandise on open (undeveloped)

lots in any district with the landowner's written consent.

- C. **Temporary Buildings:** In any district, a Temporary Use Permit may be issued for the contractor's temporary office and equipment sheds incidental to a construction project. Such a permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project or expiration of the Temporary Use Permit, whichever occurs sooner.
- D. **Real Estate Sales Office:** In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision approved by the Planning Commission under the Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year but may be granted two (2) six (6) month extensions. Such an office shall be removed upon completion of sales of the lots therein or expiration of the Temporary Use Permit, whichever occurs sooner.
- E. **Temporary Dwelling Units in Case of Medical Hardships:** In any district, a Temporary Use Permit may be issued to place single-family dwelling (excluding single wide mobile homes) home on a lot that already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to assist a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

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

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

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

- F. **Temporary Dwellings Required Due to Act of God or Fire:** In any residential district, a Temporary Use Permit may be issued to place a mobile home (single-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion, or natural phenomena. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary Use Permit as provided under this subsection must produce a written statement from Robertson County attesting to availability of water supply and sewerage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

- G. Temporary Manufacture of Road Materials: In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Adams Board of Zoning Appeals to operate manufacturing plants that are necessary to produce the materials required for the construction of approved public roads where the Board finds that such use is not potentially noxious, dangerous, or offensive. In its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may be advisable to further this Ordinance's general purposes. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.

4-2 Customary Incidental Home Occupations

A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit or approved accessory building by household members residing on the premises. This section classifies all home occupations as "*Minor Home Occupations*," "*Major Home Occupations*," and "*Accessory Agricultural Occupations*" All other uses that are not considered under one of these classifications are prohibited under these regulations.

Employment of persons not living on the premises shall be limited to one (1) individual. The use of the dwelling unit for the home occupation shall be incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. Any accessory building used for a home occupation must be subordinate and serve the principal use of the property and not be constructed for the home occupation.

4-2.1 Regulations Applicable to All Types of Home Occupations.

The following requirements must be met in order to conduct any kind of home occupation in the City of Adams. Violation of any of the provisions below may result in the permit for the home occupation being permanently revoked.

- A. Home occupation permits do not carry over with a sale of the property.
- B. Home occupation permits expire at the time of termination of the business or if the person holding such a permit cease to reside at the specified location.
- C. Life Safety Codes: All building and/or fire and life safety codes must be met for all portions of the structures used for the proposed occupation.
- D. Inspections: The City of Adams Building Official, or their designee, must inspect the premises before the commencement of the home occupation.
- E. Licensure: Permittees are required to keep any occupational or professional licenses associated with the home occupation current.
- F. Nuisance Causing Activities. No home occupation shall cause or create any nuisance; cause or create any substantial or undue adverse impact on any adjacent property or the character of the area; or threaten the public health, safety, or general welfare; or be

noxious, offensive, or hazardous.

- G. Materials Which Decompose by Detonation Prohibited. No materials which decompose by detonation shall be allowed in conjunction with any type of home occupation.
- H. Public Utility Use Exceeding Typical Residential Dwelling Unit Demand Not Permitted. No home occupation shall be permitted which generates water use in excess of what is typical for a residential dwelling unit.
- I. Levels of Noise, Emissions, Radiation, Vibration, Heat, Glare, Smoke, Dust, Fumes, Odors, or Electrical Interference. There shall be no levels of noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which is detectable to the normal senses outside the dwelling unit in excess of that normally associated with household use.
- J. Use of Mechanical and Electrical Equipment. No mechanical equipment shall be used on the premises, except that which is normally used for purely domestic or household purposes. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television set off the premises or causes fluctuations in line voltage in excess of that normally associated with household use. Computer equipment that meets the aforementioned criteria and can be purchased in the home shall be considered "normally associated with household use".

4-2.2 Minor Home Occupations

Minor occupations may be reviewed and approved by the City of Adams staff. Examples include but are not limited to domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, private tutoring and instruction (limited to three [3] pupils at any one time), and home offices shall include professional services. The following requirements shall be met to conduct a minor home occupation in the City of Adams.

- A. The use shall be conducted within an EXISTING residential dwelling or accessory building, but not both.
- B. There will be no outside storage.
- C. Deliveries shall be by normal household parcel delivery trucks.
- D. The home occupation is conducted by a member of the family who resides on the premises. One other employee who does not reside on the premises can be employed.
- E. At most, one client or client group is expected at any given time, except for the overlap of scheduled appointments.
- F. A sign no large than 2' x 2' may be utilized.
- G. Adequate parking is available, and a plot plan showing the parking location has been submitted.
- H. No external alterations, above and beyond customary changes to a residential structure, will be conducted.
- I. The area devoted to the home occupation is not greater than 25% of the gross floor area (as assessed by the Robertson County Assessor's office) of the principal or accessory structure.

4-2.3 Major Home Occupations

Uses classified as major home occupations are those conducted within accessory structures that may cause an increase in the amount of traffic in the form of people served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking is required for uses classified as major home occupations. All major home occupations require the Planning Commission's approval of a site plan and approval by the Board of Zoning Appeals as a "Special Exception." The following requirements shall be met to conduct major home occupations in the City of Adams.

- A. The use shall be conducted primarily within an accessory building.
- B. All outside storage must be screened from public view. Outside areas shall be maintained free of litter and accumulation of debris, which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.
- C. Deliveries may be by normal household parcel delivery trucks or heavy freight parcels.
- D. The home occupation must be conducted by a member of the family who resides on the premises. One other employee who does not reside on the premises can be employed.
- E. At most, one client or client group is expected at any given time, except for the overlap of scheduled appointments.
- F. A sign no large than 2' x 2' may be utilized.
- G. Adequate parking is available, and a plot plan showing the parking location has been submitted.
- H. No external alterations, above and beyond customary changes to a residential structure, will be conducted.

4-2.4 Accessory Agricultural Occupations

These provisions are established to provide supplemental occupations for residents located in a rural environment. All applicants requesting approval for this type of home occupation must meet the provisions outlined in Article 3-3.0 and any other conditions the Board of Zoning Appeals may deem necessary. All accessory-agricultural occupations require approval of a site plan by the Planning Commission and approval of the use as a Special Exception by the Board of Zoning Appeals.

Uses permitted as accessory agricultural occupations shall include, but not be limited to, auto, truck, and farm equipment repair, welding shops, woodworking shops, manufacture or processing of garments, the sale of farm products, supplies and equipment and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of an accessory-agricultural occupation.

To conduct Accessory Agricultural Home Occupations in the City of Adams, the following requirements shall be met.

- A. The use shall be conducted from either or both the primary and accessory structures on the premises.
- B. Outside storage must be screened from public view.

- C. Deliveries may be by normal household parcel delivery trucks or heavy freight parcels.
- D. The home occupation must be conducted by a member of the family who resides on the premises. One other employee who does not reside on the premises can be employed.
- E. At most, one client or client group is expected at any given time, except for the overlap of scheduled appointments.
- F. A sign no large than 2' x 2' may be utilized.
- G. Adequate parking is available, and a plot plan showing the parking location has been submitted.
- H. No external alterations, above and beyond customary changes to a residential structure, will be conducted.

4-3 Development Standards for Gasoline Service Stations

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than fifty (50) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps and canopies shall not be closer to fifteen (15) feet to any right-of-way line.
- C. Sign requirements, as established in *Article IX*, shall be met.

4-4 Development Standards for Residential Swimming Pools

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required front yard in the Agricultural and Residential Districts.
- B. The swimming pool area shall be walled or fenced to prevent uncontrolled access by children and pets to the street or adjacent properties. Said fence or wall shall be the height specified in the current State of Tennessee Building Code or any subsequent Building Code adopted by the State of Tennessee.
- C. Private swimming pools are permitted in Agricultural and Residential zones, provided that the pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

4-5 Development Standards for Group Housing Projects

This procedure shall be used to care for a group housing project of two (2) or more residential buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, which will not be so subdivided. The procedure applies to all proposals for multi-family (i.e., apartment and townhouse units) development, whether individually or in common ownership. The reviewing agency for this plan is Planning Commission.

4-5.1 Procedure for Submission and Review

A site development plan specified in Section 11-3.0 is required for all proposals subject to this provision, in addition to any requirements associated with the specific use.

4-5.2 Required Development Standards

The following shall apply to all developments subject to this provision:

A. Location:

1. The site shall comprise a single lot or tract of land, except where divided by public streets.
2. The site shall abut a public street.

B. Density and Dimension:

1. The average number of dwelling units per acre of buildable land, not including streets, shall be at most permitted within the applicable district.
2. All yard requirements established for the districts where such use is permitted are applicable.

C. Design:

3. Internal Drives: The maximum grade on any drive shall be seven (7) percent.
4. Where feasible, all drive intersections shall be at right angles.
5. The minimum distance between buildings shall be thirty (30) feet at any point.

D. Public Street Access:

1. The minimum distance between access points along the public street frontage shall be two hundred (200) feet.
2. The minimum distance between the center line of an access point and the public street intersection shall be one hundred (100) feet.

E. Required Improvements:

1. Internal Drives: Specifications for drives in group housing developments shall conform to roadway specifications specified by the Adams Subdivision Regulations.
2. Utilities: The development shall have adequate public utility systems to protect fire and remove liquid waste.
3. Storage of Solid Waste: Any central refuse disposal area shall be maintained in such a manner as to meet County health requirements and shall be screened from view.
4. Service Building: Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

4-6 Development Standards for Mobile Home Parks

The following regulations are intended to supplement the state health regulations established by the *Tennessee Code Annotated* by ensuring a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

4-6.1 Mobile Home Park Building Permit

A. Application

The “mobile home park permit” application shall be filed with and issued by the

Robertson County Health Department as authorized by *Section 68-24-103 of the Tennessee Code*. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this Ordinance until the Building Official has issued a mobile home park building permit. A mobile home park building permit may be issued only upon approval of the special exception by the Board of Appeals. The Board of Appeals shall act upon an application for a permit after receipt of a report from the Planning Commission. The Board of Appeals may attach whatever conditions it sees fit to the permit to the neighborhood or adjoining properties.

B. Site Plan Required

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

1. The name and address of the applicant.
2. The proposed mobile home park site's location, area, dimensions, and legal description.
3. All mobile home spaces' location, size, and number.
4. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, and refuse disposal).
5. The proposed use of buildings shown on the site plan.
6. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
7. The location and number of all off-street parking facilities.
8. The location of park and recreation areas.
9. A complete drainage plan with contour lines at five (5) feet.
10. A location map showing the park site concerning the existing public street pattern and an indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
11. A development schedule shall be prepared to demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
12. Such other architectural, engineering, and topographical data as may be required to permit the County health department, the Building Official, the Planning Commission, and the Board to determine if these regulations are being complied with shall be submitted with the site plan.

C. Inspection Fee

An inspection fee shall be required to approve a mobile home park, which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge. The inspection fee shall be ten (\$10) per year plus two (\$2) per space. The fee is non-refundable. The Building Official shall

collect the inspection fee before the mobile home park inspection begins.

4-6.2 Development Standards

A. General

1. A mobile home park shall be located only as a special exception within those districts where permitted.
2. No part of the park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of park residents and the management and maintenance of the park. Nothing in this section shall be deemed prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
3. 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, dust, noise, odors, or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons or property to hazards.
4. All mobile homes shall be placed on permanent foundations and anchored. 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.
5. All mobile homes shall be skirted.
 - a. New skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. Crawl space access grille or door and ventilation grilles shall be sized according to local code requirements.
 - b. Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.

B. Minimum Development Size

Mobile home park that contains at least fifteen (15) acres in area and less than eight (8) mobile home spaces and meets all requirements may be approved.

C. Dimensional Requirements for Parks

1. Yards and setbacks meeting the district regulations shall be provided along the entire periphery of the mobile home park.
2. Within the interior portions of the mobile home park, only yards as required to meet other provisions outlined in this section are required.
3. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
4. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall

contain thereon only the name and address of the park and may be lit by indirect lighting only.

5. At no time shall the density for the park exceed the maximum permissible density for the district it is located in.

D. Spacing of Mobile Homes and Site Coverage

1. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than fifteen (15) feet. Mobile homes shall be located at most twenty (20) feet from any building within the park.
2. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access street.
3. Each mobile home stand shall not occupy over twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall be at most fifty (50) percent of the respective lot area.

E. The Mobile Home Lot

1. General: The limits of each mobile home lot shall be marked on the ground by suitable means. The location of lot limits on the ground shall be the same as shown on approved plans. Each lot shall be at most five thousand (5,000) square feet.
2. Mobile Home Stands: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. In addition, such a stand shall comply with the FHA "Minimum Property Standards for Mobile Home Parks" publication, May 1977. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure.
3. Outdoor Living Area: Each mobile home lot should have an outdoor living and service area. Such areas should be improved as necessary to assure reasonable privacy and comfort. The minimum area shall be at least two hundred (200) square feet and shall be paved.
4. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

F. Utilities and Other Services

1. An accessible, adequate, safe, and potable water supply shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of adequate quantity, quality, and pressure is available at the site or at the boundary of a site, the connection shall be made to it, and its supply used exclusively.
2. Each mobile home site shall be provided with a connection to the sanitary sewer line or to a sewer system approved by the Robertson County Health Department and the Board of Zoning Appeals.

3. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
4. Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances, statutes, regulations, and buildings: electrical installations and plumbing and sanitation systems.
5. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.
6. Each mobile home park shall be maintained free of litter and accumulation of debris, which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

G. Streets

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

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

2. Pavement Width: Pavement widths shall be as follows:

Collector Street

with no parking 20 ft

with on-street parking 36 ft.

Minor Street

with no parking 18 ft.

with on-street parking 34 ft.

One-Way Minor Street

with no parking 12 ft.

with on-street parking 28 ft.

3. Construction: The internal streets and drives shall be paved under the City of Adams Subdivision Regulations.

H. Walks

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

and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet. All mobile home stands shall be connected to common walks, streets, driveways, and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

I. Recreation Area

Adequate recreation facilities for the project's residents shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type, and number to the needs of the residents. Well-equipped playgrounds of adequate size and number shall be provided where children are anticipated to occupy the premises.

J. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries at least fifteen (15) feet in width, except that a minimum buffer area from any public street shall be at least twenty (20) feet. Within the landscape buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscape screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

K. Site Design

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

L. Parking

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

4-6.3 Responsibility of Park Management

- A. The permittee shall operate the mobile home park in compliance with this Ordinance. It shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and a clean and sanitary condition.
- B. The permittee shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
- C. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Building Official which includes securing its stability

to anchor pins and installing all utility connections.

- D. The permittee shall maintain a register containing the following information:
- E. The name and address of each mobile home occupant.
- F. The name and address of the owner of each mobile home and motor vehicle by which it was towed.
- G. The make, model, year, and license number of each mobile home and motor vehicle.
- H. The date of arrival and departure of each mobile home.
- I. The mobile home park shall keep the register record available for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquiring the information contained in the register.
- J. The register record shall be preserved for three (3) years following the date of departure of the registrant from the park.
- K. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
- L. The permit to operate shall always be conspicuously posted in the mobile home park office.
- M. The permittee shall be answerable for violating any provision of this section.

4-6.4 Responsibilities of Park Occupants

- A. The park occupants shall comply with all applicable requirements of this Zoning Ordinance. They shall maintain their mobile home lot, its facilities and equipment in good repair and a clean and sanitary condition.
- B. The park occupant shall be responsible for the proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring per the instruction of the park management.
- C. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - D. The storage area shall have a base of impervious material.
 - E. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - F. The storage area shall be enclosed by skirting.
 - G. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent-proof, insect proof, and watertight.
 - H. Fire extinguishers for Class B and C fires shall be kept at the premises and in working condition.

- I. All park occupants must register their pets (dogs and cats) with the park management.
- J. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.
- K. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
- L. The park shall not allow inoperative automobiles, junk, or non-contained trash.

4.6.5 Inspections

- A. The Building Official is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, to ensure the health and safety of occupants of mobile home parks and the general public.
- B. The Building Official shall have the power to enter upon any private and public property to inspect and investigate conditions relating to the annual inspection as it is related to the enforcement of this section.
- C. Penalties: Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day a violation is permitted to exist shall constitute a separate offense. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

4-6.6 Revocation of Permit.

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

4-6.7 Prohibited Structures

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

4-7 Development Standards for Automobile Wrecking, Junk, and Salvage Yards

A site development plan specified in *Section 11-3.0* shall be submitted for review on all proposals subject to this provision. The approval of said plan and any accompanying conditions associated with a particular development is precedent to any approval under this section. The Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar land uses can have a decidedly detrimental effect upon

surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

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

4-8 Development Standards for Cemeteries

The following standards shall be imposed upon the development and construction of cemeteries in Adams, Tennessee:

- A. The site proposed for a cemetery shall not interfere with developing a system of collectors and larger streets in the vicinity of such site. Additionally, such site shall have direct access to a public thoroughfare.
- B. Any new commercial cemetery shall be located on a site containing at least twenty (20) acres.
- C. All structures including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
- D. All graves or burial lots shall be setback not less than twenty-five (25) feet from any

property line or street right-of-way line.

- E. All required yards shall be landscaped and maintained in good order per state and local regulations.
- F. Permits from the Tennessee Department of Commerce and Insurance shall be produced by the applicant to the City of Adams prior to commencement of development.

4-9 Minimum Design Standards for Transmission/Communication Towers and Stations

All transmitter stations, including towers and operating equipment, shall adhere to the following standards:

- A. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed per Electronic Industries Association ("EIA" Standard 222E-1991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Robertson County, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in Tennessee and competent in such design.
- B. The Planning Commission shall approve a site plan in compliance with Section 11-3 before issuing a building permit.
- C. All towers shall be set back from all property lines by a distance that is equal to:
 - D. for a guyed tower, twenty (20) percent of the height, and
 - E. for a self-supporting tower, fifty (50) percent of the height.
- F. All applications for permits to build towers in Adams, Tennessee, must be accompanied by a "Determination of No Hazard" from the Federal Aviation Administration and all required Federal Communications Commission permit information.
- G. The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six (6) feet tall. Access gates will always be locked when the site is not occupied.
- H. Where the tower site abuts or is contiguous to any residential district, a continuous, solid screening shall be provided, and it shall be of such plant material as will provide year-round evergreen screening. Screening, as required herein, shall be at least four (4) feet in height at the time of planting and shall be permanently maintained.
- I. All towers that require marking or lighting shall be in compliance with Federal Aviation Administration regulations. Still, no tower shall be lit from dusk to dawn by any white flashing light unless required by the Federal Aviation Administration.

4-10 Residential Cluster Development and Open Space Conservation Design Overlay Provision

4-10.1 Purpose

To establish an optional process allowing greater flexibility in development design to encourage more sensitive "density-neutral" layouts that are more harmoniously designed to preserve open space and the city's rural character. Among the important public purposes served by this Section are the following:

- A. To help maintain the city's distinctive rural character by locating new residential development in areas where the development's visibility from public roads, watercourses, neighboring dwellings, and parks would be minimized, with an emphasis upon conserving scenic vistas, and by using design methods for such purposes.
- B. To encourage the preservation of productive agricultural land by including such areas within undivided open space and by improving the efficiency of land design practices associated with residential development.
- C. To steer development to areas better suited for it by environmental conditions and availability of public infrastructure.
- D. To encourage high-quality, attractive lot layout, site planning, street alignment and landscaping design that is respectful of the traditional landscape of the city.
- E. To reduce construction costs by lowering improvement costs per dwelling, encouraging affordable housing.
- F. To allow each property owner reasonable use of their land, related directly to its natural features, location, and accessibility.
- G. To preserve and protect environmentally sensitive lands such as steep slopes, floodplains, wetlands, and areas of soil characterized by high water table and stream banks by including such areas within undivided open space maintained through homeowner's associations or public or semi-public ownership.
- H. To facilitate development of centralized sewage collection and treatment thereby reducing the potential for groundwater pollution.
- I. To avoid severe soil erosion and sedimentation increased storm water flow and speeds and water quality degradation from such conditions.

4-10.2 Design and Approval Process

A. The Site Planning Process

1. The following sequence shall be followed in approving developments under the authority of this section. These steps may be combined only at the discretion of the Planning Commission:
2. Pre-Application Discussion with staff.
3. Existing Features (Site Analysis) and Concept Plan prepared and presented to determine completeness, review of overall planning concepts, and staff recommendation.
4. On-Site Visit by staff.
5. Concept Plan submitted to staff for review and decision.
6. Site Master Development Plan submission to Planning Commission to determine completeness, review, and decision.
7. Preliminary Plat submission to Planning Commission to determine completeness, review, and decision.
8. Construction Drawings and Engineering Certification submission, determination

of completeness, review, and decision by staff.

9. Final Plat Submission to the Planning Commission to determine completeness, review, and decision.
10. Recording of Final Plat at County Registrar of Deeds.

B. Elements of the Site Planning Process

1. Pre-Application Discussion. Before any formal presentation of plats, plans, or other documents associated with a proposed development, a pre-application discussion involving the applicant, the site designer(s), and the Zoning Administrator shall be conducted. The purpose of such a meeting is to introduce the applicant and the site designer(s) to the city's zoning and subdivision regulations and procedures.
2. Existing Features Inventory (Site Analysis). An inventory and analysis of each site's unique features is required for all developments proposed under the authority of this section. The Site Analysis shall form the basis for the Conceptual Plan, which will show the tentative location of houses, streets, lot lines, and open space lands in the proposed development.
3. The Site Visit. After the Site Analysis has been prepared and presented for review, the Zoning Administrator will schedule a mutually convenient date to walk the property with the applicant and the site designer. The purpose of this visit is to familiarize officials with the property's unique features, and to provide an informal opportunity to discuss the development concept.
4. The Conceptual Plan. A "Conceptual Plan" meeting the specifications established in this section shall be presented for the proposed development. This plan shall indicate the layout of proposed streets, house lots, and open space areas. Each "Conceptual Plan" shall be designed using the four-step process found in Subpart C, (The Four-Step Process) of this section.
5. The Preliminary Plat/Master Site Development Plan. Upon approval of a Conceptual Plan the applicant may prepare and present a Site Master Development Plan. This document is intended to combine the platting process as controlled by the Subdivision Regulations into a single submittal with a detailed site development plan required by this ordinance. The preliminary plat shall contain the information required and otherwise comply with the provisions of Section 5-102 (Preliminary Plat) of the Subdivision Regulations. The Site Development Plan shall provide the information and otherwise comply with the provisions of Article 11-3, (Site Plan and Plot Plan Procedures), of this Ordinance.
6. Completing the Platting Process. Following approval of the Site Master Development Plan, the remaining steps in the process specified for platting subdivisions shall be pursued in the sequential order specified in the Subdivision Regulations.

C. The Four-Step Design Process

Each Conceptual Plan shall follow a four-step design process, as described below. When

the Conceptual Plan is submitted, applicants shall be prepared to demonstrate to the Planning Commission that these four design steps were followed in preparing the plan.

1. Designating Conservation Lands: The first step involves identifying all "Green Space Areas" using the information provided in the Site Analysis. Green Space Areas consist of wetlands, floodplains, slopes over twenty-five (25) percent, and all other portions of the site defined as "unsuitable for development" in Subsection 4-101.401 (Land Unsuitable for Development) of the Subdivision Regulations. If "Community Open Space Areas" are to be included in the site's design, these areas shall also be identified at this time.
2. Location of House Sites: Potential "building envelopes" (see definition) are tentatively located during the second step. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in Subpart (d), (Design Evaluation Criteria) of this section, subdivision applicants shall identify tentative building envelopes on the Conceptual Plan and actual building envelopes on the Preliminary Plat/Master Site Development Plan.
3. Street and Lot Layout: The third step involves aligning proposed streets to provide vehicular access to each house most reasonably and economically. When lots and access streets are laid out, they shall be in such a way as to avoid or at least minimize adverse impacts on conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fifteen (15) percent shall be avoided. Street connections shall be encouraged to minimize the number of new cul-de-sacs to be made by the city and to facilitate easy access to and from homes in various parts of the property (or on adjoining parcels). Where cul-de-sacs are necessary, those serving six or fewer homes may be designed with "hammerheads" facilitating three-point turns. In situations where more formal "neo-traditional" or village- type layouts are proposed, Steps Two and Three may be reversed, so that the location of house sites follows the location of streets and squares.
4. Lot Lines: The fourth step is to draw in the lot lines (where applicable). These are drawn midway between the house locations.

D. Design Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Commission as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals to determine whether the proposed conceptual plan:

1. Protects and preserves environmentally sensitive areas from clearing, grading, filling, or construction.
2. Preserves and maintains mature woodlands and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
3. Maintains or creates buffers of natural native species vegetation per requirements

and standards of this ordinance.

4. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
5. Designs around and preserves historic, archaeological, or cultural sites, including stone walls, spring houses, barn foundations, earthworks, burial grounds, and their environs.
6. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development with sites that individually access onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and similar features.
7. Provides buffers that protect the proposed residential development from potential adverse impacts of adjoining agricultural operations.
8. Includes a pedestrian circulation system to ensure pedestrians can walk safely and easily on the site, between properties and activities or unique features within the neighborhood open space system.

E. Site Development Plan Required

1. Contents: A site master development plan shall be prepared and submitted to the Planning Commission for review and approval. The site master development plan shall be submitted at a scale no smaller than 1' = 100' and contain the following information:
 - a. The actual shape, location, and dimensions of the lot.
 - b. The shape, size, and location of all existing buildings.
 - c. The current and intended use of the property and proposed location of structures other than single-family dwellings.
 - d. Topographic features (contours not greater than five (5) foot intervals.)
 - e. Except for single-family dwellings, location of all driveways and entrances.
 - f. Location of all accessory off-street parking areas to include a plot plan showing design and layout of such parking facilities.
 - g. Location, calculations and intended use of open space.
 - h. Building setbacks and other yard requirements.
 - i. Location of any fences and walls.
 - j. Location of required screening.
 - k. Proposed means of surface drainage.
 - l. Location and calculations of all easements and rights-of-way.
 - m. Location and availability to servicing utilities.
 - n. Location and calculation of areas subject to flooding.

- o. Location and calculation of slopes twenty (20) percent or greater.
 - p. Location of tree masses and any environmental limitations.
2. Coordinated Review: Upon receipt of a site master development plan and sketch plat containing the information as required above, the Planning Commission may:
 - a. Concurrently review the site development plan and sketch plat.
 - b. Jointly approve, approve with modification, or disapprove these documents; and
 - c. In the instance of approval, or approval with modification, transfer the site development plan to the Planning Staff for enforcement.
 3. Enforcement: Upon approval of a site master development plan, the Zoning Administrator shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure in common open space will be permitted once a site development plan has been approved. Any other change shall require the submission of a proposed amendment to the approved plan.

4-10.3 Eligibility Criteria

To be eligible for open space community consideration, the applicant must present a proposal for residential development that meets each of the following:

- A. Minimum Project Size: The minimum "Tract-Area" of an open space community development shall be five (5) acres of contiguous land. ("*Tract-Area*") shall be defined to include the total lot area or the total lot area of contiguous lots, or lots directly across a street or waterway from each other and that:
 1. Involves all the lots in common ownership or common equitable ownership at the time of the development applications or adjoining lots under separate ownership when a joint application is filed.
 2. Includes the land area of rights-of-way of any future streets proposed within the tract.
 3. Includes the land area of any proposed open space.
- B. Unified Control: The proposed development shall be under single ownership or control, such that a single person or entity has proprietary responsibility for the project's full completion. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and deed restrictions that indicate that the development will be completed as proposed.
- C. Cluster Required: The Planning Commission may require that cluster development be used if street right-of-way dedication is required.

4-10.4 Design Criteria

- A. Location: Development under the provisions of this section may be approved upon any agriculturally or residentially zoned land in the City.
- B. Base Zoning Regulation: All Zoning Ordinance requirements for the underlying zoning

district, except for minimum lot area, lot width at the building line, and minimum yard requirements, shall remain in full force.

- C. Dwelling Density: The permitted density of residential uses within an open space community shall not exceed the density allowed by the underlying zoning district based upon the number of dwelling units per acre indicated for the base zoning district (See Table 4-10.4A). In any instance where a proposed development is in more than one base zoning district, the permitted density shall be separately calculated for the portion of such development located within each base district. All computations shall be rounded to the closest unit. The total number of residential units allowable within an open space development shall be at most the number of units that would otherwise be allowed in the existing zoning district using conventional development. The total number of units allowed shall be determined using the following formula:

$$TDU = BD[A-(U+R)]$$

Total Dwelling Units = Base Density x [Total Site Acres- (Unbuildable Land + Rights of Way)]

TDU: Total Dwelling Units

BD: Base Density

A: Total Site Area in Acres

U: Unbuildable Land in acres (as defined in Article 2, Section 2-2.2 General Definitions)

R: Road and Utility Rights of Way in acres

Table 4-10.4A: Lot Size and Density Standards for Single Family Cluster Developments

Base Zoning District	Minimum Lot Size (in sq. ft.)	Density Factor in Dwelling Units per Acre
R-40	7,000	1.09
R-30	6,000	1.45
R-20	5,000	2.18
Note: In overlay districts, greater requirements may apply. See any relevant overlay district regulations.		

Types of Cluster Developments

To achieve these purposes, this section provides flexibility in designing new residential developments by allowing the following types of developments:

- A. Type I: Farmhouse Cluster permits the subdivision of land in the Agricultural District for up to five (5) houses accessed through a shared private road. Open space land can be owned by an association or individually by one of the homeowners in the development.
- B. Type II: Neutral Density permits the subdivision of land for single-family residential

dwellings in all Residential Districts at the density permitted in each district. Developments must have a minimum of forty (40) percent of the total development devoted to permanent open space owned by the homeowner's association.

- C. Type III: Mixed Use allows for the development of single-family and multi-family housing within the same development, providing that the zoning district allows for the type of dwelling proposed. Limited commercial activities may be permitted as a "Special Exception" for developments with three hundred (300) or more lots subject to approval by the Planning Commission and Board of Appeals.
- D. Type IV: Agricultural Perseveration allows for the development of residential developments that permanently preserve farmland, pastureland, orchards, and any other are commonly considered an agricultural use by the Tennessee Code. Developments must have a minimum of twenty (20) percent of the total site devoted to residential uses.

4-10.5 Development Standards.

The following standards and requirements shall apply to all developments subject to the provisions of this section.

- A. Availability of Public Utilities. By reducing the required lot area and width these provisions are intended to reduce the linear footage and to otherwise facilitate extension of utility systems that are adequate to provide water service for fire protection and centralized sewage treatment.
- B. Lot Area. Within all developments approved under authority of this section the area of lots designated as residential building sites shall be the greater of:
 - 1. that required by Table 4-10.4-A.
 - 2. where on-site sewage disposal systems are utilized, that are required to meet requirements of the local health authority.
- C. Yard and Setback Requirements.
 - 1. General. Yard and setback requirements applicable within developments subject to the provisions of this section are presented in Table 4-10.6-B.
 - 2. Special Provisions Applicable to Lots Abutting Conventional Residential Development. All lots directly abutting the periphery of a development site adjacent to or directly across a street from existing conventional residential lots (without intervening open space) shall have the following minimum dimensions.

The lot width shall be at least ninety (90) percent of the width (measured at the setback line) required for the base zoning district wherein the development is located.

The area of such lots shall be at least seventy-five (75) percent of the lot area required for the base zoning district.
 - 3. Zero Lot Line Provisions. The Planning Commission, after review and recommendation from staff, may permit zero-lot-line development in all types of cluster developments except for Type I cluster subject to the following provisions:
 - i. All lots must have the minimum lot width and area required by Tables 4-

10.4-A and 4-10.48.

- ii. Any lot proposed for zero lot line development must be indicated on the subdivision's final plat.
- iii. All dwellings constructed in the development shall meet all current building and fire codes for the type of structure.
- iv. All lots considered for zero lot line development must have a five (5) foot construction and maintenance easement on each side of the lot line.

TABLE 4-10.6-B MINIMUM LOT FRONTAGE AND BUILDING SETBACK STANDARDS FOR SINGLE FAMILY CLUSTER DEVELOPMENT

	R-40	R-30	R-20
Minimum Lot Size (in ft.)			
On Street **	50	50	50
Cul-de-Sac **	30	30	30
Minimum Building Envelope Spacing (in ft.)			
To off-site street or tract boundary*	75	50	50
To any stream or wetland	50	50	50
Lot Width at Building Setback Line	70	60	50
Front Yard Setback **	35	30	15
Rear Yard Setback **	15	10	10
Side Yard Setback **	10	10	5
Side Yard Setback (Zero Lot Line)	15	10	10
* See Subsection 4-10.6(C)(2) Special Provisions Applicable to Lots Abutting Conventional Residential Developments.			
** In developments with multiple housing types, this requirement can be adjusted to fit the requested development subject to review by the Planning Staff and Planning Commission.			

D. Special Requirements.

1. Farmhouse Cluster. Permits the subdivision of land for up to five (5) house lots accessed by way of a shared private drive when the following conditions have been met:
 - i. Minimum project size and frontage on a public road: fifteen (15) acres with a minimum of fifty (50) feet of frontage on a public road either by fee simple ownership or thirty (30) feet by exclusive ingress/egress easement.
 - ii. There shall be at most two farmhouse cluster developments permitted per tract as that tract existed prior to the adoption of this Zoning Ordinance.
 - iii. A double bituminous private drive shall be constructed on a recorded easement not less than twenty (20) feet in width with a turnaround every 1,000 feet to serve the farmhouse cluster exclusively. All portions of the easement shall be constructed with the capacity to support all emergency

vehicles.

- iv. An association of all property owners shall be established to maintain all commonly held spaces, if any. Where no commonly held spaces exist except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Robertson County. Furthermore, the shared driveway or private road and all appropriate and necessary easements shall be shown on a recorded plat. A note shall be attached to it stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
2. The location of building sites shall be determined through a site analysis which identifies features listed in this article to be preserved as open space.
3. Minimum lot size shall meet standards established in; Tables 4-104-A and 4-10.4-B.
4. At least 50% of the tract shall be open space. Open space can be either common open space or non-common open space. The designation of open space preservation shall be permanent and irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space, as provided in this section.
5. Permitted uses of open space land to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pastureland preserved as required open space may continue to support cultivation or grazing; however existing woodlands may need to be clear-cut.
6. A Farmhouse Cluster requires an approved subdivision plat, according to the requirements of the Subdivision Regulations and shall meet all other requirements for review and approval, including a preliminary plat and construction plan approval before approval of a final plat.

4-10.6 Open Space Standards and Requirements

- A. Amount of Open Space Required. The Open Space located within any development approved under authority of this section shall be comprised of "Green Space" and "Community Open Space" (as these terms are defined in Article 2-2.2, *(General Definitions)*). The total area of dedicated open space within a development shall equal or exceed the total area that is not devoted to a residential unit, accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement. Such land shall be set aside as common land for recreation, conservation, agriculture, area for off-lot sewage disposal as specified in *Subsection 4-10.9 (Sewage Disposal)*, stormwater management or natural resource protection according to an

approved resource protection plan. Except as otherwise required all cluster subdivision developments shall have a minimum of thirty (30) percent of the total site devoted to permanent open space.

1. Open Space Designated as "Green Space". "Green Space" shall include all portions of a cluster development defined as "unbuildable land" in Section 2-2.2 (General Definitions).
 2. Open Space Designated as "Community Open Space". Community Open Space shall include land, other than "Green Space", that is not included within house lots. Such land may include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, significant wildlife habitat areas, prime farmland, historic, archaeological, or cultural features listed (or eligible to be listed) on national, state or County registers or inventories, and scenic views into the property from existing public roads.
- B. Contiguous Open Space. At least seventy-five (75) percent of designated open space shall be contiguous, with no portion less than one hundred (100) feet wide except for access points.
- C. Use of Open Space.
1. Restriction of Use. Both Green Space and Community Open Space shall be placed in preserves and restricted from further subdivision through a permanent conservation easement in a form acceptable to the city and duly recorded in the County Register of Deeds office.
 2. Use as Areas for Sewage Disposal. Open space may be used for sewage disposal as specified in Section 4-10.9.
 3. Stormwater Management Ponds. Stormwater management ponds or basins may be included as part of the open space, as may land within the rights-of-way for underground pipelines.
 4. Recreation Space. Open spaces may be designated as sites for active or passive recreational purposes. When open space is proposed for recreational purposes, the applicant shall document the purposes for which such areas will be utilized.
 5. Agricultural Uses. Open space may be designated for use by agricultural activities. In any instance where agricultural use is proposed, the "Open Space Management Plan" shall detail proposed uses and specific limitations for such operations.
 6. Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation, or agricultural use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structures (s) or building(s) shall not, in the aggregate, exceed one percent (1) of the required open space area.

4-10.7 Ownership, Management, and Maintenance of Open Space

- A. Ownership. Common open space within a development shall be owned, administered, and maintained by a privately established Home Owner's Association, subject to

approval by the city.

1. Offer of Dedication. The city shall have the first and last offer of dedication of open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The city may, but shall not be required to, accept open space provided:
 - a. Such land is accessible to city residents.
 - b. There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance; and
 - c. The developer, condominium association, and the city have a satisfactory maintenance agreement.

Where the city accepts the dedication of common open space that contains improvements, the city may require the posting of financial security to ensure the structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Financial security shall not exceed fifteen (15) percent of the actual cost of said improvements.

2. Homeowners' Association. The undivided open space and associated facilities may be held in common ownership by the Homeowners' Association. The association shall be formed and operated under this section's provisions in Subpart (b) (Creation and Operation of Homeowners' Association).
3. Condominium. The undivided open space and facilities may be controlled by condominium agreements approved by the city. Such agreements shall be in conformance with the state's horizontal property act. All undivided open space land shall be held as a "common element."
4. Dedication of Easements. The city may, but shall not be required to, accept easements for public use of any portion or portions of undeveloped open space land, the title of which is to remain in ownership by a condominium or homeowners' association, provided:
 - a. Such land is accessible to city residents.
 - b. There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance; and
 - c. The developer, condominium association, and the city have a satisfactory maintenance agreement.
5. Transfer of Easements to a Private Conservation Organization. With the permission of the city, an owner may transfer open space elements to a private nonprofit organization, among whose purposes it is to conserve open space and natural resources, provided that:
 - a. The organization is acceptable to the city and is a bona fide conservation organization with perpetual existence.
 - b. the conveyance contains appropriate provisions for proper reverted and

retransfer if the organization becomes unwilling or unable to conduct its functions; and

- c. The developer and the organization entered into a maintenance agreement acceptable to the city.

B. Creation and Operation of Homeowners' Association. Any Homeowners' Association created to own and maintain commonly held open spaces and facilities shall be established and operated per the following standards:

1. The developer shall describe the association, including the bylaws and methods for maintaining the open space.
2. The developer shall organize the association and shall be operated with a financial subsidy from the developer before the sale of any lots within the development.
3. Membership in the association is automatic (mandatory) for all purchasers of lots therein and their successors. The conditions and timing of transferring control of the association from the developer to the homeowners shall be identified.
4. The association shall be responsible for insurance and taxes on open space, enforceable by liens placed by the city on the association. The association may place liens on the homes or lots of its members who must pay their association dues promptly. Such may require the imposition of penalty interest charges.
5. The association members shall share the cost of maintaining and developing such undivided open space equitably. Shares shall be defined within the association by-laws.
6. In the event of a proposed transfer, within the methods here permitted, of undivided open space by the Homeowners' Association, or the assumption of maintenance of open space by the city, a notice of such action shall be given to all property owners within the development.
7. The association shall have or hire adequate staff to administer common facilities and properly maintain the open space.
8. The Homeowners' Association may lease open space lands to any other qualified person or corporation for operation and maintenance of open space lands. Still, such lease agreement shall provide the following:
 - a. that the residents of the development shall at all times have access to the open space contained therein (except croplands during the growing season).
 - b. The undivided open space to be leased shall be maintained for the purposes outlined in this ordinance.
 - c. that the operation of open space facilities may be for residents only or may be open to the residents of the city at the election of the developer and the Homeowners' Association, as the case may be,
 - d. that the lease shall be subject to the approval of the Board of Directors of the Homeowners' Association, and any transfer or assignment of the lease

shall be further subject to approval by the Board. Lease agreements so entered upon shall be recorded with the County Register of Deeds within thirty (30) days of their execution, and a copy of the recorded lease shall be filed with the city.

- C. The Open Space Management Plan. Among all developments approved under the authority of this section, an Open Space Management Plan shall be prepared and presented before approval of any final subdivision plat. Such plan shall contain the following:
1. Documents for Creation of Ownership/Maintenance Organization. A legal package contains all legal documents necessary for creating and operating any organization for owning, managing, and maintaining any commonly held open space.
 2. Legal Description and Boundary Marking of Commonly Held Property. A legal description adequate to fully describe the exact location, boundaries, and limits of all land and a full description of all facilities to be deeded to the ownership/maintenance organization along with documents creating such organization. The boundaries of designated open space areas, recreation areas, stormwater management facilities, and green space shall be delineated on plans, including record plats, and marked in the field with signage approved by the Planning Commission to distinguish these areas from private property.
 3. A Document Indicating Proposed Use. Sufficient documentation to indicate the uses intended for all commonly held open spaces.
 4. Maintenance Standards.
 - a. Financial Responsibility. The ultimate owner of the open space (typically a Homeowners' Association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The Homeowners' Association shall be authorized under its by-laws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
 - b. Failure to Adequately Maintain. Failure to adequately maintain the undivided open space in reasonable order and condition violates this ordinance. The City is hereby authorized to give notice, by personal service or by the United States mail, to the owner or occupant of any violation, as the case may be, directing the owner to remedy the same within thirty (30) days.
 - c. Failure of Maintenance Organization. If the association or any successor organization shall, at any time after the establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition per the development plan, the city may serve written notice upon the owner of the record, setting forth how the owner of the record has failed to maintain the undivided open space in reasonable condition.

4-10.8 Sewage Disposal

- A. Waterway Discharge and Feasibility. An Open Space Development shall be approved only if the applicant proves the following:
 - 1. The development will not involve a point-source discharge of wastewater effluent into a waterway, or
 - 2. Another form of appropriate public sewage disposal can be provided.
- B. Utilities Within Open Space. A maximum of twenty-five (25) percent of the required "green space" within an Open Space Development may be used for approved methods of sewage disposal facilities for the development of the Homeowners Association, which owns the land. Such sewage disposal methods include but are not limited to, individual septic absorption fields (with septic tanks located on the same lot as the dwelling it serves), community septic absorption fields, community mound systems, lagoon systems, and spray irrigation systems, or any combination of systems. Agricultural preservation developments may be one hundred (100) percent of all areas within the sewage disposal facility devoted to agricultural uses, no matter the ownership of the property.
- C. Ownership and Maintenance
 - 1. Any area used for common sewage disposal facilities shall be owned and maintained in common through a legally binding Homeowners' Association or be provided for through a permanent easement.
 - 2. The applicant shall prove that a long-term contract will be established (with provisions for renewals) with a professional company to operate and maintain all such sewage disposal facilities.

4-10.9 Scenic, Natural Feature, and Historic Preservation

- A. Historic Structures and Districts. Applicants shall preserve historically significant structures and the setting around such buildings through setbacks, landscaping, and other appropriate treatments. The Planning Commission may require reasonable adjustments in the plans for a Cluster Development if deemed necessary in the sole discretion of the City to protect a structure that the City determines to be historically (including its context) or architecturally significant or to protect the character of an officially designated or eligible Historic District.
- B. Protection of the Natural Landscape and Character of the Community. The following scenic features shall be carefully considered in the site layout:
 - 1. existing mature woods
 - 2. canopies of trees over a road.
 - 3. scenic meadows,
 - 4. significant clusters or rows of trees
 - 5. Interesting cliffs or rock outcrops
 - 6. lake, pond, river, creek, or waterfall

7. picturesque farmsteads
8. stone walls
9. historic site or landmark building
10. varying, undulating views and directions along a road

4-10.10 Roads and Pedestrian Ways

A. Streets

1. General.
 - a. The street network shall form a generally connected pattern, with a minimum of cul-de-sacs. Regular grids shall be varied, with boulevards, diagonal streets, curving crescents, eyebrows, ovals, and courts providing visual interest. Street patterns shall be designed to respect and follow existing terrain as much as possible, minimizing earthmoving and the disruption of the existing topography.
 - b. Streets shall be designed to:
 - i. Parallel and preserve existing tree lines, hedgerows, stone walls, and watercourses.
 - ii. Minimize alteration of natural, cultural, or historic features.
 - iii. Minimize the acreage devoted to streets.
 - iv. Calm traffic speeds.
 - v. Promote pedestrian movement.
 - vi. Secure the view to prominent natural vistas.
 - vii. Be aligned so that the "terminal vista" is of greenway land, either man-made (greens, commons, squares, parks) or natural (such as but not limited to meadows, large specimen trees, and woodlands).
 - viii. Minimize crossing of Primary Conservation Area.
 - c. All streets, except loop streets and loop lanes, shall terminate at other streets within the development, and at least two (2) streets shall provide connections to existing or proposed through streets or collectors outside the development, whenever possible.
 - d. Loop lanes shall be designed with a central median running their entire length, bounded on each side by a one-way lane not less than eleven (11) feet in paved width. The median shall be at least twenty (20) feet wide and be planted with shade trees at intervals not less than thirty (30) feet.
2. Street Standards. All roadways constructed within cluster developments shall meet the provisions established in the Subdivision Regulations or have alternative roadway standards approved by the planning staff that is consistent with accepted "Traditional Neighborhood" development standards.

B. Pedestrian Ways.

All lots within Type II, III, and IV Cluster Developments are encouraged to provide public pedestrian ways serving each lot. This access can be public sidewalks, informal walkways, or designated and defined trail systems. The design of these pedestrian ways shall meet the following:

1. Be no less than four (4) feet wide in residential areas and no less than six (6) feet in commercial or mixed-use areas, and shall be constructed of paving brick, concrete, concrete pavers, or concrete with brick paver borders. Asphalt shall not be used for any pedestrian way along a public right-of-way, or any facility dedicated to a public agency.
2. Create a linked network of walkways connecting all uses with parks and other greenway land areas.
3. Link loop streets and the end of cul-de-sacs with the street network, trails, or greenway land behind lots served those loop streets or cul-de-sacs.
4. Be separated from street curbs by a "planting strip" not less than three (3) feet in width planted with shade trees and maintained by the "Homeowners Association."
5. Any areas designated for Farmland Preservation are exempt from the provisions of this section provided that no gaps in the system exist that separate sections of the development.

C. Parking

1. Off-Street Parking

- a. Off-street parking for nonresidential buildings, townhouses, and multifamily residences shall be located at the rear of the lot in garages, carports, or parking spaces accessed only by rear access lanes.
- b. No off-street parking shall be permitted in front yards of buildings used for commercial purposes except for corner lots which will permit off-street parking in one of the front yards provided it is adequately screened.
- c. When dwelling units are permitted above commercial uses, the additional parking required to accommodate such residential uses shall be based on a formula approved by the Planning Commission.
- d. Parking areas serving playfields, playgrounds, or any other recreational use constructed in common areas shall be a minimum of a gravel service with adequate drainage. Points of ingress/egress shall have adequate sight distance, and no area lighting will be permitted before the homeowner's association assumes control over all common areas.

2. On-Street Parking

- a. On-street parking spaces along the front property line shall count toward the minimum parking spaces required for that lot (except where there are driveway curb cuts).
- b. On-street parking spaces shall be designed as either parallel to the curb on one of both sides of the streets or diagonal to the street on the storefront

side with landscaped breaks every two hundred (200) feet.

- c. On-street parking spaces shall measure eight (8) feet wide by twenty-two (22) feet long.

D. Farm Roads and Shared Driveways in Farmhouse Clusters.

1. Farm Roads and Country Lanes to be Retained. Where feasible, old farm roads and country lanes should be retained and used instead of constructing new driveways (unless needed, widening the lane would destroy mature trees or historical features).
2. Private Shared Driveways. The Planning Commission may allow private shared driveways, each serving a maximum of two dwelling units for tracts with frontage that may be combined with the five (5) lots served by the private easement.
3. Construction. The following construction standards shall apply to all shared driveways unless the Planning Commission accepts alternative standards:
4. Easement Width All driveway easements shall be thirty (30) feet. Under no circumstances shall the commission permit the creation of a wider easement.
5. Minimum Width. Twenty (20) feet, which shall be crowned.
6. Construction Material. 6 inches of 3/4 modified or compatible material with a double bituminous surface.
7. Maximum Length. There is no maximum length for private drives except that there shall be a turnaround with forty (40) foot radius every 1,000 feet and at the end of the private drive.
8. Access by Emergency Vehicles. No private drive shall be constructed that will not support access by all emergency vehicles.
9. Drainage. Appropriate drainage facilities will be provided in and along all private drives.
10. Controlled Access. Any private drive installing a means to control ingress/egress to the drive shall first consult all emergency providers and provide them with a means of access to all properties.
11. Maintenance Agreement Required. A shared driveway or private street shall only be permitted if the developer establishes a legally binding mechanism to require owners of lots served by such driveway and private road to fund adequate maintenance in pre-determined proportions. Such a mechanism shall be subject to approval by the City Attorney.

4-11 Special Conditions for Permitting a Bed and Breakfast Home.

- A. In addition to the requirements for the applicable district, the following special conditions shall be met before issuing a conditional use permit:
 1. Bed and breakfast residences shall be established only within preexisting single-family residences.
 2. Bed and breakfast residences shall continuously maintain current licenses and

permits as local and state agencies require.

3. Bed and breakfast residences shall be solely operated by family members residing there.
4. The only meal to be provided to guests shall be breakfast, which shall only be served to guests in the facility.
5. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
7. Bed and breakfast residences shall be limited to a single on-premises sign which shall be at most eight (8) square feet in size and shall be located no closer to the street or right-of-way line than fifteen (15) feet.
8. One (1) off-street parking space shall be provided for each rental room in addition to the two (2) spaces required for single-family residences. All such spaces shall be screened from view from adjoining property and not be located within any required front yard.
9. If food is prepared or cooked, a menu is made available, and a price is charged; therefore, a food server's license must be obtained from the Tennessee Department of Health.
10. A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten (10) pounds in size or larger shall be installed and easily accessible on the floor or story.
11. An evacuation plan must be approved by the City of Adams' building official and fire official serving the area before issuing a use and occupancy permit for a bed and breakfast residence.
12. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.
13. Prior to issuing a certificate of occupancy for the establishment of any bed and breakfast residence not connected to a public sewerage system, certification shall be provided by the County health department approving the subsurface disposal system as adequate to serve the total number of bedrooms occupied

ARTICLE V
STREETS, PARKING, ACCESS, AND OFF-STREET LOADING AND UNLOADING REQUIREMENTS

SECTION:

5-1 Off-Street Parking Requirements

5-2 Off-Street Loading and Unloading Requirements

5-1 Off-Street Parking Requirements

5-1.1 Parking Space Requirements

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

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

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

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

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

The Board of Zoning Appeals shall establish the required number of parking spaces for any use approved as a Special Exception. The number of parking spaces provided shall meet a minimum requirement of 1 parking space per 150 sq. ft. of development, regardless of use classification. Fractions shall be rounded up to the nearest whole number.

All developments shall provide parking and access as required by the Americans with Disabilities Act.

5-1.2 Certification of Minimum Parking Requirement

Each application for a building permit shall include information on the location and dimensions of off-street parking spaces and the means of ingress and egress to such spaces. This information shall be in sufficient detail to enable the Adams Building Official to determine whether or not the requirements of this section are met.

5-1.3 Combination of Required Parking Spaces

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

5-1.4 Remote Parking Spaces

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

5-1.5 Extension of Parking Area into a Residential District

Extension of parking areas into residential districts is prohibited.

5-1.6 Requirements for the Design of Parking Lots

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and sized that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be at least two hundred (200) square feet in area.
3. Entrances and exits for all off-street in such comply with Section 3-9 requirements of this ordinance.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and eliminate the possibility of stagnant pools of water.
5. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces, there shall be a minimum parking aisle of sixteen (16) feet in width.
6. All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other hard-surfaced dustless material and constructed to provide adequate drainage for both on and off-site and to prevent the release of dust. All parking spaces shall be marked.
7. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.

5-2 Off-Street Loading and Unloading Requirements

Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading vehicles off the street or public alley. Such space shall have access to a public or private alley or, if no alley exists, to a public street. The Board of Zoning Appeals may reduce or increase this requirement for safety where unusual or special conditions are foreseeable.

The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table.

<u>Total Usable Floor Area</u>	<u>Spaces Required for Principal Building (See Article II. For Definition)</u>
0 to 4,999 sq. ft.	One (1) space
5,000 to 9,999 sq. ft.	Two (2) spaces
10,000 to 14,999 sq. ft.	Three (3) spaces
15,000 to 19,999 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.

ARTICLE VI ZONING DISTRICTS

SECTION:

- 6-1 Establishment of Districts**
- 6-2 Provisions for Official Zoning Atlas**
- 6-3 Rules for Interpretation of District Boundaries**
- 6-4 Application of District Regulations**
- 6-5 Residential Districts**
- 6-6 Commercial Districts**
- 6-7 Industrial Districts**

6-1 Establishment of Districts

6-1.1 Relationship to Growth and Development Plan.

The Robertson County 2040 Comprehensive Growth and Development Plan is a vision of how the County will grow and develop. Future city land use patterns, quality and character of growth, preservation of natural and historic resources and the relationship between land use and public infrastructure is defined.

“After the adoption of the Robertson County 2040 Comprehensive Growth and Development Plan all land use decisions made by the legislative body and the City of Adams and the Planning Commission for said municipality shall be consistent with the Robertson County 2040 Comprehensive Growth and Development Plan.”

In order to meet this legal mandate, it has been determined that the various zoning districts created by this Zoning Ordinance must be tailored to the general purposes established in the 2040 Comprehensive Growth and Development Plan. Thus, the following districts are established for the areas designated on the adopted in the Plan, in the districts noted below.

6-1.2 District Classifications.

To implement all purposes and provisions of this Ordinance, the following districts are, hereby, established:

Residential Districts

- R-40 Low Density Residential
- R-30 Medium Density Residential
- R-20 High Density Residential

Commercial District

- C-1 General Commercial

Industrial District

I-1 General Industrial

6-2 Provisions for Official Zoning Ordinance

6-2.1 Incorporation of Atlas.

The boundaries of districts established by this Ordinance are shown on the official zoning atlas, which is, hereby incorporated, into provisions of this Ordinance. The zoning atlas in its entirety, including all amendments shall be as much a part of this Ordinance as if fully set forth and described, herein.

6-2.2 Identification and Alteration of the Official Zoning Atlas (Zoning Map)

The official zoning atlas shall be identified by the signature of the City Mayor and the Chairman of the Planning Commission under the following words: "This to certify that this is the Official Zoning Atlas (Zoning Map) of Adams, Tennessee, referred to in Ordinance Number of Adams, Tennessee, together with the dates of certification and adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance changes are made in district boundaries or other matter portrayed on the official zoning atlas (Zoning Map), such changes shall be entered on the official atlas promptly after the City Board has approved the amendment. No amendment to this Ordinance which involves matter portrayed on the official zoning atlas (Zoning Map) shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the official zoning atlas (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 Article XI of this Ordinance.

Regardless of the existence of purported copies of the official zoning atlas (Zoning Map) which may from time to time be made or published, the official zoning atlas (Zoning Map) which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Planning Jurisdiction.

6-2.3 Replacement of Official Zoning Atlas (Zoning Map)

In the event that the official zoning atlas becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Board may by Ordinance adopt a new official zoning atlas (Zoning Map) which shall supersede the prior official zoning atlas (Zoning Map). The new official zoning atlas may correct drafting or other errors or omissions in the prior official zoning atlas, but no such correction shall have the effect of amending the original zoning atlas or any subsequent amendment thereof. The new official zoning atlas (Zoning Map) shall be identified by the signature of the City Mayor and Chairman of the Planning Commission under the following words: "This to certify that this Official Zoning Atlas (Zoning Map) of Adams, Tennessee, supersedes and replaces the official zoning atlas adopted April 11, 1995, by Adams, Tennessee".

All prior official zoning atlases or any significant parts thereof shall be preserved together with all available records pertaining to their adoption or amendment.

6-3 Rules for Interpretation of District Boundaries

When uncertainty exists as to the boundaries shown on the official zoning map, the following shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be constructed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be constructed as following such lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated, as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline: boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subparts "A" through "E" of this section, above, shall be construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by Subparts "A" through "F", of this section, above, the Board of Zoning Appeals shall interpret the district boundaries.
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals may permit the extension of regulations for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

6-4 Application of District Regulations

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

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No Building or Other Structure Shall Hereafter Be Erected or Altered:
 - 1. To exceed the height or bulk.

2. To accommodate or house a greater number of families.
 3. To occupy a greater percentage of the lot area.
 4. To have narrow or smaller rear yards, front yards, side yards or other open space.
- D. Except as may be expressly permitted within planned unit developments, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any building.
- E. 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.

6-5 Residential Districts.

The following regulations shall apply in the Residential Districts established in Article VI, Section 6-1, B, of this Ordinance.

6-5.1 R-40 Low Density Residential District

- A. District Description. This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally, the residential development will consist of single-family detached dwellings and accessory structures, but the district may also include community facilities, public utilities and open uses which serve specifically the residents of this district, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon such development. It is the express purpose of this Ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.
- B. Uses Permitted. In the R-40, Low Density Residential District, the following uses in Table VI are permitted.
- C. Accessory Uses and Structures
1. Private residential garages and parking areas.
 2. Outdoor recreational facilities exclusively for the use of the residents.
 3. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
 4. Home occupations as defined by and subject to the provisions of Article IV, Section 4-2.
 5. Other accessory structures and uses customarily incidental to the permitted uses.
- D. Uses Permitted as Special Exceptions. In the R-40, Low Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XI, Section 11-7. See Table VI.

- E. Uses Prohibited. In the R-40, Low Density Residential District, any use not permitted by right, by accessory use, or as a special exception is strictly prohibited.
- F. Dimensional Requirements. Development in the R-40, Low Density Residential District, shall comply with the following requirements in Tables 6-5A and 6-5B.
- G. Parking Space Requirements. As regulated in Article V, Section 5-1.
- H. Landscaping. The front yard, excluding necessary driveways, shall be landscaped.
- I. Accessory Structures
 - 1. With the exception of signs, accessory structures shall not be erected in any required front yard.
 - 2. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

6-5.2 R-30 Medium Density Residential District

- A. District Description. This district is designed to provide suitable areas for low to medium density residential development. Most generally, this district will be characterized by single-family detached structures and duplexes and such other structures as that is accessory thereto. This district also includes community facilities, public utilities and open uses which serve specifically the residents of this district, or which are benefited by and compatible with a residential environment.
- B. It is the express purpose of this zoning Ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.
- C. Uses Permitted. In the R-30, Medium Density Residential District, the following uses are permitted: See Table VI
- D. Accessory Uses and Structures
 - 1. Private residential garages.
 - 2. Outdoor recreational facilities exclusively for the use of the residents.
 - 3. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
 - 4. Home occupations as defined by and subject to the provisions of Article IV, Section 4-2.
 - 5. Other accessory structures and uses customarily incidental to the permitted uses.
- E. Uses Permitted as Special Exception. In the R-30, Medium Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XI, Section 11-7. See Table VI.
- F. Uses Prohibited. In the R-30, Medium Density Residential District, any use not permitted by right, by accessory use, or as a special exception is strictly prohibited.
- G. Dimensional Requirements. All uses permitted in the R-30, Medium Density Residential

District, shall comply with the following requirements in Table 6-5A and 6-5B.

- H. Parking Space Requirements. As regulated in Article V, Section 5-1.
- I. Landscaping. The front yard, excluding necessary driveways, shall be landscaped.
- J. Accessory Structures.
 - 1. With the exception of signs, accessory structures shall not be erected in any required front yard.
 - 2. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

6-5.3 R-20, High Density Residential District

- A. District Description. This district is particularly suitable for areas adjacent to urban centers where a full complement of urban services, specifically including water services adequate to provide fire protection and public wastewater service is available. Although these districts will be most generally characterized by single family detached dwellings and such other structures as accessory thereto, the districts are designed to accommodate a wide variety of housing types along with the public services and facilities required to adequately support such development. It is the express purpose of this Ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.
- B. Uses Permitted. In the R-20 High Density Residential District, the following uses are permitted: See Table VI-A.
- C. Accessory Uses and Structures
 - 1. Private garages and sheds.
 - 2. Outdoor recreational facilities exclusively for the use of the residents.
 - 3. Signs in compliance with the regulations set forth in Section 9-1.
 - 4. Home occupations as defined by and subject to the provisions of Section 4-2.
 - 5. Other accessory structures and uses customarily incidental to the permitted uses.
- D. Uses Permitted as Special Exceptions. In the R-20 High Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 11-7. See Table VI-A
- E. Uses Prohibited. In the R-20 High Density Residential District, any use not permitted by right, by accessory use, or as a special exception is strictly prohibited.
- F. Dimensional Requirements. All uses permitted in the R-20 High Density Residential District, shall comply with the following requirements in Table 6-5A and 6-5B.
- G. Parking Space Requirements. As regulated in Article V, Section 5-1.

- H. Landscaping. The front yard, excluding necessary driveways, shall be landscaped.
- I. Accessory Structures.
 - 1. With the exception of signs, accessory structures shall not be erected in any required front yard.
 - 2. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

6-6 Commercial Districts.

The following regulations shall apply in the Commercial Districts established in Article VI, Section 6-1, B, of this Ordinance.

6.6.1 C-1 General Commercial District

- A. District Description. These districts are established to provide areas in which the principal uses of land are devoted to general and highway commercial activities along the principal thoroughfares in Adams. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Adams and to provide for necessary off-street parking and loading. All lots shall be considered fronting on either arterial or collector roads as indicated on the latest official major thoroughfare plan.
- B. Uses Permitted. In the C-1 General Commercial District, the following uses are permitted: See Table VI
- C. Accessory Uses and Structures
 - 1. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
 - 2. Accessory off-street parking and loading facilities as required in Article V, Section 5-1.
 - 3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
- D. Uses Permitted as Special Exception. In the C-1 General Commercial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XI, Section 11-7. See Table VI
- E. Uses Prohibited. In the C-1 General Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined in this Ordinance is strictly prohibited.
- F. Dimensional Requirements. See Table 6-6-A
- G. Parking Space Requirements. As regulated in Article V, Section 5-1.
- H. Accessory Structures. Accessory structures shall be located in a required side or rear yard and be at least five (5) feet from any side lot line, from the rear lot line, and any other building on the same lot.
- I. Landscaping. Ten (10) percent of the lot area of a tract shall be landscaped to enhance the site's appearance. Included in the ten (10) percent coverage there shall be maintained a

landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district. Any lot abutting a residential district shall maintain a twenty (20) foot landscaped buffer strip that meets the requirements established in Article III, Section 3-11.

6-7 Industrial Districts.

The following regulations shall apply in the Industrial Districts established in Article VI, Section 6-1. B, of this Ordinance.

6-7.1 I-1 General Industrial District

- A. District Description. This district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, and commercial establishments and community facilities which provide needed services for industry and are complimentary thereto are permitted.
- B. Uses Permitted. In the I-1, General Industrial District, the following uses are permitted: See Table VI
- C. Accessory Uses and Structures
 - 1. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
 - 2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
 - 3. Accessory off-street parking and loading facilities as required in Article V, Section 5-1.
- D. Uses Permitted as Special Exceptions. In the I-1 General Industrial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XI, Section 11-7. See Table VI
- E. Uses Prohibited. In the I-1, General Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.
- F. Dimensional Requirements. See Table 6-7-A
- G. Parking Space Requirements. As regulated in Article V, Section 5-1.
- H. Accessory Structures
 - 1. With the exception of signs, accessory structures shall not be erected in any required front yard.
 - 2. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.
- I. Landscaping. Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance the site's appearance. Included in the ten (10) percent coverage, there shall be a maintained landscape strip at least ten feet wide along all street rights-of-way exclusive of business driveways and walkways. Any lot abutting a

residential district shall maintain a thirty (30) foot landscaped buffer strip that meets the requirements established in Article III, Section 3-11.

TABLE 6-5-A

DIMENSIONAL REQUIREMENTS FOR SINGLE FAMILY DWELLINGS IN RESIDENTIAL DISTRICTS

	R-40	R-30	R-20
Minimum Lot Size (sq. ft.)	40,000	30,000	20,000
Without Fire Protection	130,000	130,000	130,000
Without Public Water	218,000	N.P.	N.P.
Minimum Lot Width (ft.) at Building Setback Line [3]	150	125	100
Minimum Road Frontage (ft.) [1]	50	50	50
Minimum Front Yard Setback (ft.) [2]			
Arterial (Major)	50	40	30
Collector (Minor)	30	20	20
Local (City)	30	20	20
Minimum Side Yard Setback (ft.) [2]	25	15	10
Without Fire Protection	50	50	50
Without Public Water	50	N.A.	N.A.
Minimum Rear Yard Setback	30	25	25
Without Fire Protection	50	50	50
Without Public Water	50	N.A.	N.A.
Maximum Height (ft.) [4]	35	35	35
Maximum Building Coverage (% of lot)	40	40	40

[1] Does not apply to lots on the circular portion of a cul-de-sac or lots with access by an ingress/egress easement.

[2] Setbacks from right-of-way line or property line/setback from street centerline, whichever is greater. Setbacks along private streets shall be the same as along local streets. Setbacks may be reduced in accordance with Article VII PUDs (Prevailing Street Setback).

[3] Lot widths shall be increased by twenty-five (25) percent for all roads providing direct access to an arterial or collector road as designed on the Adams Major Thoroughfare Plan. Developments using combined driveways or private roads as access are exempt from this provision.

[4] No more than three (3) full or partial stories entirely above grade.

Notes:

I In overlay districts, greater requirements may apply. See any relevant overlay district regulations.

II A corner lot has two front yard setbacks. The property owner shall designate the front yard and the side yard for his corner lot. The rear yard setback shall be on the opposite side of the lot from the front yard setback.

III A through lot has two front yard setbacks but no rear yard setback.

IV On a corner lot of record with a width of at least forty (40) feet, the side street setback may be reduced, if necessary to yield a buildable with equal to sixty (60) percent of the lot width. However, the side street setback shall not be reduced to less than forty (40) feet from a major thoroughfare or minor thoroughfare right-of-way line.

V For any lot of record with a depth of at least seventy-five (75) feet, the front yard setback and the rear yard setback may be reduced, if necessary, to yield a buildable depth equal to forty (40) percent of the lot depth. The rear yard setback shall be reduced first, but not below fifteen (15) feet. However, the front yard setback shall not be reduced to less than forty (40) feet from a major thoroughfare right-of-way line.

TABLE 6-5-B

**DIMENSIONAL REQUIREMENTS FOR DUPLEX AND MULTI-FAMILY DWELLINGS
IN RESIDENTIAL DISTRICTS**

	R-40	R-30	R-20
Minimum Lot Size (sq. ft.) Duplex Dwelling		60,000	40,000
Without Fire Protection	N.P.	120,000	120,000
Without Public Water		N.P.	N.P.
Multi-Family Dwellings		N.P.	175,000
Area per Dwelling Unit (sq. ft.)			5,000
Minimum Lot Width (ft.) at Building Setback Line [3]	N.P.	150	125
Minimum Road Frontage (ft.) [1]	N.P.	50	50
Minimum Front Yard Setback (ft.) [2]	N.P.	40	30
Minimum Side Yard Setback (ft.) [2]		20	15
Without Fire Protection	N.P.	50	N.P.
Without Public Water		N.P.	N.P.
Minimum Rear Yard Setback		25	20
Without Fire Protection	N.P.	50	50
Without Public Water		N.A.	N.A.
Maximum Height (ft.) [4]	N.P.	35	35
Maximum Building Coverage (% of lot)	N.P.	40	40
<p>[1] Does not apply to lots on the circular portion of a cul-de-sac or lots with access by an ingress/egress easement.</p> <p>[2] Setbacks from right-of-way line or property line/setback from street centerline, whichever is greater. Setbacks along private streets shall be the same as along local streets. Setbacks may be reduced in accordance with Article 7 PUD (Prevailing Street Setback).</p> <p>[3] Lot widths shall be increased by twenty-five (25) percent for all roads providing direct access to and arterial or collector road as designed on the Adams Major Thoroughfare Plan. Developments using combined driveways or private roads as access are exempt from this provision.</p> <p>[4] No more than three (3) full or partial stories entirely above grade.</p> <p>Notes:</p> <p>I In overlay districts, greater requirements may apply. See any relevant overlay district regulations.</p> <p>II A corner lot has two front yard setbacks. The property owner shall designate the front yard and the side yard for his corner lot. The rear yard setback shall be on the opposite side of the lot from the front yard setback.</p> <p>III A through lot has two front yard setbacks but no rear yard setback.</p> <p>IV On a corner lot of record with a width of at least forty (40) feet, the side street setback may be reduced, if necessary to yield a buildable with equal to sixty (60) percent of the lot width. However, the side street setback shall not be reduced to less than forty (40) feet from a major thoroughfare or minor thoroughfare right-of-way line.</p> <p>V For any lot of record with a depth of at least seventy-five (75) feet, the front yard setback and the rear yard setback may be reduced, if necessary, to yield a buildable depth equal to forty (40) percent of the lot depth. The rear yard setback shall be reduced first, but not below fifteen (15) feet. However, the front yard setback shall not be reduced to less than forty (40) feet from a major thoroughfare right-of-way line.</p>			

TABLE 6-6-A

DIMENSIONAL REQUIREMENTS FOR COMMERCIAL DISTRICTS

	C-1
Minimum Lot Size (sq. ft.) Without Fire Protection Without Public Water	40,000 80,000 N.P.
Minimum Lot Width (ft.) at Building Setback Line [3]	150
Minimum Road Frontage (ft.) [1]	50
Minimum Front Yard Setback (ft.) [2]	50
Minimum Side Yard Setback (ft.) [6 & 8] Without Fire Protection Without Public Water	20 25 N.P.
Minimum Rear Yard Setback [7 & 8] Without Fire Protection Without Public Water	30 40 N.P.
Maximum Height (ft.) [4]	35
Maximum Building Coverage (% of lot)	40

[1] Does not apply to lots on the circular portion of a cul-de-sac or lots with access by an ingress/egress easement.
 [2] Setbacks from right-of-way line or property line/setback from street centerline, whichever is greater. Setbacks along private streets shall be the same as along local streets. Setbacks may be reduced in accordance with Article VII PUD (Prevailing Street Setback).

[3] Lot widths shall be increased by twenty-five (25) percent for all roads providing direct access to and arterial or collector road as designed on the Adams Major Thoroughfare Plan. Developments using combined driveways or private roads as access are exempt from this provision.

[4] No more than three (3) full or partial stories entirely above grade.

Notes:

[5] In overlay districts, greater requirements may apply. See any relevant overlay district regulations.

[6] A corner lot has two front yard setbacks. The property owner shall designate the front yard and the side yard for his corner lot. The rear yard setback shall be on the opposite side of the lot from the front yard setback.

[7] A through lot has two front yard setbacks but no rear yard setback.

[8] Lots adjacent to residential districts shall maintain a minimum setback of fifty (50) feet from any lot in a residential district.

[9] For any lot of record with a depth of at least seventy-five (75) feet, the front yard setback and the rear yard setback may be reduced, if necessary, to yield a buildable depth equal to forty (40) percent of the lot depth. The rear yard setback shall be reduced first, but not below fifteen (15) feet. However, the front yard setback shall not be reduced to less than forty (40) feet from a major thoroughfare right-of-way line.

TABLE 6-7-A

DIMENSIONAL REQUIREMENTS FOR INDUSTRIAL DISTRICTS

	I-1
Minimum Lot Size (sq. ft.) Without Fire Protection Without Public Water	40,000 160,000 N.A.
Minimum Lot Width (ft.) at Building Setback Line [3]	125
Minimum Road Frontage (ft.) [1]	50
Minimum Front Yard Setback (ft.) [2]	50
Minimum Side Yard Setback (ft.) [2] Without Fire Protection Without Public Water	20 80 N.P.
Minimum Rear Yard Setback Without Fire Protection Without Public Water	20 80 N.P.
Maximum Height (ft.) [4]	40
Maximum Building Coverage (% of lot)	40

[1] Does not apply to lots on the circular portion of a cul-de-sac or lots with access by an ingress/egress easement.

[2] Setbacks from right-of-way line or property line/setback from street centerline, whichever is greater. Setbacks along private streets shall be the same as along local streets. Setbacks may be reduced in accordance with Article VII PUD (Prevailing Street Setback).

[3] Lot widths shall be increased by twenty-five (25) percent for all roads providing direct access to and arterial or collector road as designed on the Adams Major Thoroughfare Plan. Developments using combined driveways or private roads as access are exempt from this provision.

[4] No more than three (3) full or partial stories entirely above grade.

Notes:

I In overlay districts, greater requirements may apply. See any relevant overlay district regulations.

II A corner lot has two front yard setbacks. The property owner shall designate the front yard and the side yard for his corner lot. The rear yard setback shall be on the opposite side of the lot from the front yard setback.

III A through lot has two front yard setbacks but no rear yard setback.

IV Lots adjacent to residential districts shall maintain a minimum setback of fifty (50) feet from any lot in a residential district.

V For any lot of record with a depth of at least seventy-five (75) feet, the front yard setback and the rear yard setback may be reduced, if necessary, to yield a buildable depth equal to forty (40) percent of the lot depth. The rear yard setback shall be reduced first, but not below fifteen (15) feet. However, the front yard setback shall not be reduced to less than forty (40) feet from a major thoroughfare right-of-way line.

**TABLE 6-A
PERMITTED USE SCHEDULE**

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
AGRICULTURAL USES					
Agricultural Production (crops)	S				
Agricultural Production (livestock)	S				
Agricultural Industry (special)	S				
Animal Feeder/Breeder	S				
Animal Services (livestock)	S				
Animal Services (other)	S				
Hatcheries	S				
Forestry	S				
Horticultural Specialties	S				
Services (other)				S	S
Soil Preparation and Crop Services	S				
Veterinary Services (livestock)				P	P
RESIDENTIAL USES					
Accessory Apartments			S	S	S
Boarding and Rooming Houses (9 or less)	S			S	
Common Area Recreation & Service Fac.	P	P	P		
Congregate Care Facilities	S	S	S	S	
Family Care Homes (6 or less)	S	S	S		
Family Care Homes (9 or less)	S	S	S		
Group Care	S	S	S		

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Manufactured Homes	P	P	P		
Manufactured Home Parks			S		
Migrant Labor Housing	S	S	S		
Multi-Family Dwellings			P		
Shelters, Emergency	S	S	S	S	
Shelters, Temporary	S	S	S	S	
Shelters for the Homeless		S	S	S	
Single Family Detached Dwellings	P	P	P	S	S
Single Family Attached Dwellings	D	D	D		
Townhouse Dwellings			P		
Two Family Dwellings	P		P		
GOVERNMENTAL, EDUCATIONAL AND INSTITUTIONAL USES					
Ambulance Services	S	S	S	P	P
Auditoriums, Coliseums, or Stadiums	S	S	S	P	P
Cemeteries/Mausoleums	D	D	D	S	S
Childcare Centers				P	
Childcare Homes, Child (5 or less)	D	D	D		
Childcare Homes, Child (6 or more)	D	D	D		
Churches	D	D	D	P	
Day Care Centers, Adult(5 or less)	D	D	D		
Day Care Centers, Adult (6 or more)	S	S		P	
Elementary or Secondary Schools	D	D	D		

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Essential Services 1 and 2	P	P	P	P	P
Essential Services 3	S	S	S	P	P
Fire Stations	P	P	P	P	P
Fraternities or Sororities	S	S	S	S	
Government Offices	P	P	P	P	P
Hospitals				P	
Libraries	S	S		P	
Museums or Art Galleries				P	
Nursing or Convalescent Homes	S	S		P	
Orphanages	S	S			
Police Stations, Neighborhood	P	P	P	P	P
Post Offices				P	P
Psychiatric Hospitals	S	S		P	S
Retreat Centers				P	S
School Administration Facilities	P	P	P	P	P
Specialty Hospitals	S	S		S	
RECREATIONAL USES					
Amusement Facilities (Outdoor)				P	S
Athletic Fields (Private)	S	S	S	P	S
Baseball Clubs, Professional				P	P
Batting Cages				P	P
Billiard Parlors				P	

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Bingo Games				P	
Bowling Centers				P	
Clubs or Lodges	S	S	S	P	
Coin Operated Amusements				P	
Country Clubs with Golf Courses	S	S	S	S	S
Dance Schools	S	S		P	
Fortune Tellers, Astrologers	S	S		P	
Go-cart Raceways				S	S
Golf Courses, Miniature				P	
Golf Courses	S	S	S		
Golf Driving Ranges	S	S	S		
Group Assembly	S	S	S	P	
Marital Arts Instructional Schools				P	
Physical Fitness Centers				P	P
Private Clubs or Recreation Facilities(other)	S	S	S	P	P
Public Parks and Greenways	S	S	S	P	P
Public Recreation Facilities	S	S	S	P	P
Raceways and Dragstrips				S	S
Riding Academics and Commercial				S	
Stables					
Shooting Ranges, Indoor				P	P
Shooting Ranges, Outdoor					S

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Skating Rinks				P	P
Sports and Recreational Camps				S	
Sports Instructional Schools				S	
Sports and Recreational Clubs, Indoor				S	
Swim and Tennis clubs	S	S	S	S	
Swimming Pools	S	S	S	S	
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES					
Accounting, auditing or Bookkeeping	S	S	S	P	
Administrative or Management Services	S	S	S	P	
Advertising Agencies or representatives	S	S	S	P	
Advertising Services, outdoor				P	
Automobile Rental or Leasing				P	
Automobile Repair Services, Major				P	
Automobile Repair Services, Minor				P	
Automobile Parking (commercial)				P	
Automobile Towing and Storage Services				P	P
Banks, Savings and Loan and Credit Unions				P	P
Barber Shops				P	P
Beauty Shops				P	P
Boat Repairs				P	P
Building Maintenance Services				P	P
Business Associations				P	P

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Business Incubators				P	P
Car washes				P	P
Clothing Alterations and Repairs				P	P
Computer Maintenance and Repair				P	P
Computer Services				P	P
Economic or Educational Research				P	P
Employment Agencies, Personnel Services				P	P
Engineering, Architect, or Survey Services	S	S	S	P	P
Equipment Rental and Leasing (no outside storage)				P	
Equipment Rental and Leasing (w/outside storage)				P	P
Equipment Repairs, Heavy				P	P
Equipment Repairs, Light				P	P
Finance and Loan Offices				P	P
Finance and Loan Offices (no drive- thru)					P
Funeral Homes and Crematoriums				P	
Furniture Repair Shops				P	
Government Offices	S	S	S	P	P
Hotels or Motels				P	
Insurance Agencies (no on-site claims insp.)				P	
Insurance Agencies (carriers/on-site claims)				P	
Kennels or Pet Grooming Services	S			P	
Landscape or Horticultural Services				P	

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Laundromats, Coin-Operated				P	
Laundry or Dry-Cleaning Operations				P	
Law Offices	S	S	S	P	
Market Furniture Showrooms				P	
Medical, Dental, or Related Offices				P	
Medical or Dental Laboratories				P	
Motion Picture Productions				P	
Noncommercial Research Organizations				P	
Office Uses General				P	P
Pest or Termite Control Services				P	P
Photocopying and Duplicating Services				P	P
Photo-finishing Laboratories				P	P
Photography, Commercial				P	P
Photography Studios	S	S	S	P	
Professional Membership Organizations				P	
Real Estate Offices	S			P	
Recreational Vehicle Parks or Campsites				P	S
Refrigerator or Large Appliance Repairs				P	P
Rehabilitation or Counseling Services				P	S
Research, Development, or Testing Services				P	P
Security Services				P	P
Septic Tank Services				P	P

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Shoe Repair or Shoeshine Shops				P	
Stock, Security, or Commodity Brokers				P	
Tanning Salons	S			P	
Taxidermists				P	P
Television, Radio, or Electronic Repairs				P	
Theaters, Outdoor				P	
Theaters, Indoor				P	
Tire Recapping				P	P
Tourist Homes (Bed & Breakfast)	S	S	S	P	
Travel Agencies	S	S	S	P	
Truck Driving Schools				P	P
Truck & Utility. Trailer Rent & Leasing, Light				P	P
Truck Tractor & Semi Rental & Leasing, Heavy				P	P
Truck Washing				P	P
Veterinary Services (Other)				P	P
Vocational, Business, or Secretarial Schools				P	P
Warehousing, Self-storage				P	P
Watch or Jewelry Repair Shops	S			P	
Welding Shops				P	P
RETAIL TRADE					
ABC Stores (liquor)				P	
Antique Stores				P	

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Appliance Stores				P	
Arts & Crafts				P	
Auto Supply Sales				P	
Bakeries				P	
Bars				P	
Boat Sales				P	
Bookstores				P	
Building Supply Sales (no storage yard)				P	P
Building Supply Sales (with storage yard)				P	P
Cake Decorating Supply Stores				P	
Camera Stores				P	
Candle Shops				P	
Candy Stores				P	
Clothing, Shoe, and Accessory Stores				P	
Coin, Stamp, or Similar Collectible Shops				P	
Computer Sales				P	
Convenience Stores (with fuel pumps)				P	
Convenience Stores (without fuel pumps)				P	
Cosmetics Shops				P	
Dairy Products Stores				P	
Department, Variety or Gen. Mdse. Stores				P	
Drugstores				P	

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Fabric or Piece Goods Stores				P	
Flea Markets, Indoor				P	
Flea Markets, Outdoor				P	
Floor Covering, Drapery, or Upholstery				P	
Florists				P	
Food Stores				P	
Fuel Oil Sales				P	
Furniture Sales				P	
Garden Centers or Retail Nurseries				P	
Gift or Card Shops				P	
Hardware Stores				P	
Hobby Shops				P	
Home Furnishings, Miscellaneous				P	
Jewelry Stores				P	
Luggage or Leather Goods Stores				P	
Manufactured Home Sales				P	
Miscellaneous Retail Sales				P	
Motor Vehicle Sales (new and used)				P	
Motorcycle Sales				P	
Musical Instrument Sales				P	
Newsstands				P	
Office Machine Sales				P	

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Optical Goods Sales				P	
Paint and Wallpaper Sales				P	
Pawnshops				P	
Pet Stores				P	
Record and Tape Stores				P	
Recreational Vehicle Sales				P	
Restaurants (drive-in)				P	
Restaurants (with drive-thru)				P	
Restaurants (no drive-thru)				P	
Service Stations, Gasoline				P	
Sexually Oriented Businesses				P	
Sporting Goods Stores				P	
Stationery Stores				P	
Television, Radio, or Electronic Sales				P	
Tire Sales				P	
Tobacco Stores				P	
Truck Stops				P	P
Used Merchandise Stores				P	
Video Tape Rental and Sales				P	
WHOLESALE TRADE					
Agricultural Chem./Pesticides/Fertilizers				P	P
Agricultural Products, Other				P	P

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Ammunition				P	P
Animals and Animal Products, Other				S	P
Apparel, Piece Goods, and Notions				P	P
Beer/Wine/Distilled Alcoholic Beverages				P	P
Books, Periodicals, and Newspapers				P	P
Chemicals and Allied Products				P	P
Drugs and Sundries				P	P
Durable Goods, Other				P	P
Electrical Goods				P	P
Farm Supplies, Other				P	P
Flowers, Nursery Stock, & Florists Supplies				P	P
Forest Products				S	P
Furniture and Home Furnishings				P	P
Grain and Field Beans				P	P
Groceries and Related Products				P	P
Hardware				P	P
Jewelry, Watches, Precious Stones & Metals				P	P
Livestock				P	P
Lumber and Other Construction Materials				P	P
Lumber, Millwork, and Veneer				S	P
Machinery, Construction and Mining				P	P
Machinery, Equipment, and Supplies				P	P

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Machinery, Farm and Garden				P	P
Market Showrooms, (Furniture, etc.)				P	P
Metals				P	P
Minerals				P	P
Motor Vehicles				P	P
Motor Vehicles, Parts and Supplies				S	P
Motor Vehicles, Tires and Tubes				P	P
Paints and Varnishes				P	P
Paper and Paper Products				P	P
Petroleum and Petroleum Products				S	P
Plastics Materials				P	P
Plumbing and Heating Equipment				P	P
Professional & Comm. Equip. & Supplies				P	P
Resins				S	P
Scrap and Waste Materials (Junkyards)					S
Sporting & Recreational Goods & Supplies				P	P
Tobacco and Tobacco Products				P	P
Toys and Hobby Goods and Supplies				P	P
Wallpaper and Paint Brushes				P	P
TRANSPORTATION, WAREHOUSING AND UTILITIES					
Airports or Air Transportation Facilities				S	S
Atomic Reactors				S	S

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Bulk Mail and Packaging				S	P
Bus Terminals				P	
Communication and Broadcasting Facilities				P	S
Courier Services, Central Facility				P	P
Courier Service Substations				P	P
Hazardous, Infectious & Radioactive Waste (transport, storage and disposal)				S	S
Heliports				S	P
Land Clearing and Inert Debris Landfills, Major					S
Land Clearing and Inert Debris Landfills, Minor					S
Landfill, Solid Waste					S
Moving and Storage Services				P	P
Radio, Television, or Communication Towers	S	S	S	S	S
Railroad Terminals or Yards				S	P
Recycling Processing Centers					S
Refuse and Raw Material Hauling					S
Refuse and Raw Material Transfer Points					S
Sewage Treatment Plants	S	S	S	S	S
Solid Waste Incinerators				S	S
Solid Waste Disposal (non-hazardous)				S	S
Taxi Terminals				P	P
Trucking or Freight Terminals				S	P
Utility Company Offices				P	P

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Utility Equipment and Storage Yards				P	P
Utility Lines and Related Appurtenances	S	S	S	P	P
Utility Service Facilities (no outside storage)				P	P
Utility Substations	S	S	S	S	S
Warehouses (general storage/enclosed)				P	P
Water Treatment Plants	S	S	S	S	S
Wireless Telecommunication Towers	S	S	S	S	S
MANUFACTURING AND INDUSTRIAL USES					
Aircraft Assembly					P
Aircraft Engines and Engine Parts, Manufacturing					P
Aircraft Parts and Auxiliary Equipment					P
Ammunition, Small Arms					P
Animal Feeds (including dog & cat)					P
Animal Slaughter or Rendering					S
Apparel and Finished Fabric Products				S	P
Arms and Weapons				P	P
Artisans and Crafts				S	P
Asbestos, Abrasive, and Related Products					S
Asphalt & Cement Plants					S
Audio, Video, and Communications Equipment				S	P
Bakery Products				S	P
Batteries					S

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Beverage Products (alcoholic)					P
Beverage Products (nonalcoholic)					P
Bicycle Assembly					P
Bicycle Parts and Accessories					P
Boat and Ship Building					P
Brooms and Brushes					P
Burial Caskets					P
Cabinet Making				P	P
Chemicals, Paints, Plastic and Allied Products					P
Computer and Office Equipment				S	P
Communications Equipment				S	P
Concrete, Cut Stone, and Clay Products					P
Contractors (no outside storage)				P	P
Contractors, General Building				P	P
Contractors, Heavy Construction				S	P
Contractors, Special Trade				S	P
Costume Jewelry and Notions				S	P
Dairy Products					P
Drugs				S	P
Electrical Components				S	P
Electrical Equipment & Components				S	P
Electrical Industrial Apparatus, Assembly					P

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Electrical Industrial Apparatus, Manufac.					P
Explosives Manufacturing & Storage					S
Fabricated Metal Products (incl. can mfa.)					S
Fabricated Valve and Wire Products					S
Fats and Oils, Animal					S
Fats and Oils, Plants					S
Fertilizer					S
Fireworks Manufacturing & Storage					S
Fish, Canned, Cured, or Frozen					S
Floor Coverings (excluding carpet)					S
Food and Related Products, Miscellaneous					S
Fuel Oil, Gasoline & Diesel					S
Furniture Framing					S
Furniture and Fixtures Assembly					S
Furniture and Fixtures					S
Glass					S
Glass Products from Purchased Glass				S	P
Grain Mill Products					S
Heating Equipment, and Plumbing Fixtures					S
Household Appliances					S
Household Audio and Video Equipment					S
Ice					P

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Industrial and Commercial Machinery					S
Jewelry and Silverware(no platina)					P
Leather and Leather Products (no tanning)					P
Lighting and Wiri					P
Loading and Wood, Raw Materials					S
Manufactured Housing and Wood Buildings					S
Measurements, Analysis, & Control Instruments					P
Meat/Poultry, Packing & Processing (no rendering)					S
Medical, Dental, and Surgical Equipment				S	P
Metal Coating and Engraving					S
Metal Fasteners (screws, bolts, etc.)					S
Metal Processing & Fabrication					S
Millwork, Plywood, and Veneer					S
Mining and Quarrying					S
Motor Vehicle Assembly					S
Motor Vehicle Parts and Accessories					S
Motorcycle Assembly					S
Musical Instruments				S	P
Optical Instruments & Lens					P
Paper Products (no coating or laminating)					P
Paper Products (coating or laminating)					S
Paperboard Containers and Boxes					P

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Pens and Art Supplies					P
Petroleum and Related Products					S
Pharmaceutical Preparations				S	P
Photographic Equipment				S	P
Photographic Supplies					P
Pottery and Related Products					S
Preserved Fruits & Vegetables (no can mfg.)					P
Primary Metals Products and Foundries					S
Printing and Publishing				S	P
Pulp and Paper Mills					S
Recycling Centers					P
Rubber and Plastics, Miscellaneous					S
Rubber and Plastics, Raw					S
Salvage Yards, Auto Parts					S
Salvage Yards, Scrap Processing					S
Sawmills or Other Wood Mills					S
Signs					S
Small Arms					S
Soaps and Cosmetics					S
Solvent Recovery					S
Sporting Goods and Toys					S
Stone Cutting, Shaping and Finishing					S

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Sugar and Confectionery Products					P
Textile Products (no dyeing & finishing)				S	P
Textile Products (with dyeing & finishing)					S
Tires and other Rubber Products					S
Tobacco Products					S
Upholstery Shop				S	P
Wood and Agricultural Products Assembly				S	S
Wood Products, Miscellaneous				S	S
TEMPORARY USES					
Circus, Carnivals or Haunted House				S	S
Farm Products and Seasonal sales				S	S
Outdoor Concerts, Stage Shows				S	S
Religious Tent Meetings				S	S
Special Civic Events, Nonprofit Festivals, Bazaars	S	S	S	S	S
Temporary Accessory Structures	S	S	S	S	S
Temporary Construction Office	S	S	S	S	S
Temporary Dwelling Unit				S	S
Temporary Outdoor Display and Sales				S	S
Temporary Shelters				S	S
Yard Sales	P	P	P	S	S
Accessory Childcare	S			S	S
Accessory Dwelling Units, Attached				S	

USE TYPES	ZONING DISTRICTS				
	R-40	R-30	R-20	C-1	I-1
	P = Use by Right S = Special Exception Required D = Development Standards O = Overlay Zoning Required				
Accessory Dwelling Units, Detached	S	S	S	S	
Accessory Storage	P	P	P	P	P
Administrative Office	S	S	P	P	P
Bed and Breakfast Establishment	S	S	S		
Bed and Breakfast Homestay	S	S	S		
Caretaker Dwellings				S	
Drive-Through Windows				P	
Helistop (as accessory use)				S	S
Home Childcare (up to 4 preteen children)	S				
Home Occupations, Minor	P	P	P		
Home Occupations, Major	S	S	S		
Junked Motor Vehicles					S
Livestock (As accessory to residential use)	S				
Operation of Cafeteria				P	P
Outdoor Storage Facilities				P	P
Private Recreation Facilities	S	S	S	P	
Poultry and Bee Keeping	P	P	P	P	
Production for Retail Sale				P	P
Satellite Dishes/TV and Radio Antennae Towers	P	P	P	P	P
Swimming Pools	P	P	P	S	
Yard Sales (No more than 2 per year)	P	P	P	S	

**ARTICLE VII
PLANNED UNIT DEVELOPMENT REGULATIONS**

- 7-1 Intent**
- 7-2 General Provisions**
- 7-3 Administrative Procedure**
- 7-4 Addition of Land Uses Not Included within an Approved Preliminary Master Plan**
- 7-5 Amendments to the PUD**
- 7-6 Cancellation of an Adopted PUD**
- 7-7 Failure to Begin a PUD**
- 7-8 Maintaining a Current Development Plan**
- 7-9 Reinstatement of Previously Approved Development Plan**
- 7-10 Amending a Lapsed Development Plan**
- 7-11 Building Permits and Uses and Occupancy Permits**
- 7-12 Minor Site Modifications to an Adopted Final Master Plan**
- 7-13 General Development Standards**
- 7-14 Residential PUD**
- 7-25 Commercial PUD**

7-1 Intent:

These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. Note that these zoning districts are free-standing and have their own densities and setback requirements; these PUD requirements are not an overlay zoning district.

7-2 General Provisions

A. Master Plan Required

No application for a Planned Unit Development (PUD) District shall be considered unless a master plan meeting the requirements outlined in this section is submitted therewith.

Such application shall indicate that the services of one (1) or more design professionals were utilized in the preparation of the plan. No building permit shall be issued until a site plan has been approved by the Planning Commission.

B. Ownership and Division of Land

No tract of land may be considered for or approved as a planned unit development unless such tract is under single ownership or is under the unified control of a “landholder.” The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The transferee shall complete each such unit and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the Planning Commission.

A report identifying all property owners within the area of the proposed district and giving evidence of unified control of its entire area shall be submitted along with any application for approval of a Master Development Plan. The report shall state agreement of all present property owners and/or their successors in title:

To proceed with the proposed development according to the regulations in effect when the map amendment, (including such modifications as are set by the City Board in the course of such action creating the planned commercial center district), becomes effective.

To provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the City Board in the course of such action.

To bind further successors in title to any commitments under Subparts (A), and (B), above.

C. Relationship to Subdivision Regulations

The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-ways, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision, which must be concurrent with the final approval, by the Planning Commission of the master plan.

D. Combination of Separate Types of Planned Unit Developments

The Planning Commission and the City Board may consider separate types of Planned Unit Developments, such as residential and commercial within a consolidated Master Plan as a single administrative procedure provided that the total tract is in single ownership by a landowner and the land area is sufficient to comply with the separate type requirements combined.

E. Development Period, Staging Schedule

The expeditious construction of any PUD shall be undertaken to assist in the assurance of

the full completion of the development in accordance with the approved master plan.

Within three (3) years after the date of approval, actual construction shall have commenced in such development. In the event that construction has not been started, the Planning Commission shall conduct a hearing on the project and review the feasibility of the PUD and may act to cancel or extend approval of the master plan depending upon the circumstances of each case.

The Planning Commission may permit the development to be constructed in stages so that completion is achieved in a logical manner. Each stage shall be planned and related to existing surroundings and available facilities and services, so that failure to proceed to the subsequent stages will not have an adverse impact on the planned unit development or its surroundings, at any stage of the development.

Each stage shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed with subsequent stages will not have an adverse impact on the planned unit development or its surroundings.

Each stage of the development shall, at the time of approval of any final site development plan for any portion of that stage, be assured adequate public services to serve all development proposed for that stage.

F. Common Open Space and Facilities

Any common space or public or private facilities shall be subject to the following provisions:

1. The location, shape, site, and character of the common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
2. Common open space must be suitable for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements, which are permitted in the common open space, must be appropriate to the uses, which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
3. The Planning Commission shall require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.
4. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of

the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the codes director may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the codes director shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the codes director determines that the organization is not prepared for the maintenance for the common open space such agency shall continue maintenance for yearly periods.

5. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a lien on said properties.
6. When the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
 - a. The Homeowners' Association must be established prior to the sale of any lot or home or transfer of any lot or home.
 - b. Membership must be mandatory for each homebuyer and any successive buyer.
 - c. The open space restrictions must be permanent, not just for a period of years.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational, open space and other facilities.
 - e. Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.
 - f. The association must be able to adjust the assessment to meet changing needs.
7. A recreation plan shall be developed and presented with the Preliminary Master Development Plan for any proposed residential planned unit development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve, as well as provide the number and detailed specifications of each type of recreational equipment and facility proposed. The size of each type of recreational facility, or type of recreational equipment shall be directly related to the age and number of the anticipated user population. These facilities may be devoted to either: (1) Shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of a specific residential clientele within the development or (2) Shared general use recreation facilities which are available to all residents of the proposed development. All recreational equipment provided should be durable commercial grade equipment.

A minimum of five (5) percent of the gross area of every residential PUD shall be devoted to improved and developed recreational open space.

8. Dedication of Public Facilities

The Planning Commission and City Board may require that suitable areas for streets, utilities, public rights-of-way, schools, parks, and public areas be set aside and/or dedicated to the City of Adams.

7-3 Administrative Procedure

The provisions of this section govern the procedure for review and approval for all planned unit developments as provided herein. Any landowner or developer, as defined, may apply for a PUD Zoning in any area subject to these provisions, and the City Board may, within its legislative power, impose PUD Zoning upon any land area, and after such action, the landowner shall follow the remaining procedures before any zoning permits can be issued and the land developed.

A. Steps of Approval Process

1. The applicant shall request a pre-application conference with planning staff to evaluate the proposal and to determine and clarify any issues that may arise.
2. The applicant shall submit a preliminary master plan and rezoning request to the Planning Commission for their consideration along with the required fees.
3. The Planning Commission may recommend approval or disapproval of a developer's request. If approved, the Planning Commission shall recommend the necessary PUD zoning to the City Board.
4. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin.
5. The applicant shall submit a final master plan to the Planning Commission for their consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD.
6. Prior to the sale or transfer of any property, the applicant shall submit and have an approved final subdivision plat.

B. Pre-Application Conference

Prior to filing an application for approval of a planned unit development the applicant shall confer with any full-time or consulting staff to discuss the procedure relative to the application. The City staff shall arrange a formal meeting where the applicant or his representative shall meet with other staff persons who will be involved in reviewing and recommending action on the proposed plan of development.

C. Application for Approval of the Preliminary Master Plan and Zoning Request

Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent, to the Planning Commission in

accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall consist of the following:

1. The preliminary master plan for the proposed planned unit development shall be a general concept plan which may include such items as the Planning Commission by general rule which may include, but is not limited to the following items:
2. The location and size of the area involved.
3. North arrow, graphic scale, and location map showing relationship to existing street system and adjoining properties.
4. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas.
5. Location and approximate dimensions of structures including approximate height and bulk, and the utilization of structures including activities and the number of living units.
6. Proposed building materials to be used and/or specific materials or elements not to be used.
7. Elevations as necessary.
8. Estimated population and density and extent of activities to be allocated to parts of the project.
9. Any proposed reservations for public uses including schools, parks and other open spaces.
10. Availability commitments from the appropriate water and sewer provider.
11. Major landscaping features, including topography.
12. The general means of the disposition of sanitary wastes and storm water, and
13. Areas to be used for outdoor sales display or storage.
14. A listing of land uses proposed for the development. Such listing of land uses may contain only land uses permit may limit or otherwise exclude certain uses.
15. Specify the various uses of structures within the PUD, for example the percentage of structures that are residential and the percentage of structures that are non-residential.
16. Details and locations of signs.
17. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities, drainage ways, common open space or common parking areas.
18. Location and use of all common open space area.
19. Additional information as determined by the Planning Commission to indicate

fully the ultimate operation and appearance of the PUD.

20. A tabulation of the land area to be devoted to various uses and activities and overall densities.
21. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
22. The substance of covenants, grants of easements, deed restrictions, or other restrictions to be imposed upon the use of the land, buildings and structures to include total square footage, building materials, architectural drawings, and proposed easements for public utilities.
23. A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.
24. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

D. Planning Commission Action on Preliminary Application.

The Planning Commission shall take action on the preliminary application within two regularly scheduled meetings as follows:

1. Unconditional preliminary approval.
2. Conditional preliminary approval, in which the Planning Commission expressly denotes modifications which must be a part of the preliminary approval.
3. Disapproval.
4. Conditional Preliminary Approval - Landholder's Response

When the Planning Commission's action is conditional preliminary approval, the commission shall specifically note in its minutes conditions or modifications which must be compiled with in order that the proposed planned unit development receive preliminary approval. Within ninety (90) days following the meeting wherein conditional approval is granted, the landholder may submit a revised preliminary master development plan which case the planned unit development is to be reviewed by the Planning Commission solely for the purpose of reviewing the revisions to the plan. When the landholder makes a negative reply or does not reply within ninety (90) days of the date of conditional preliminary approval the planned unit development shall be deemed as a recommendation for disapproval, unless such time limit is extended by specific action of the Planning Commission upon a written request of the landholder. In the event of a recommendation for disapproval the applicant may at his option proceed to the City Board with his request.

E. Action by City Board

Upon completing preliminary development plan review the Planning Commission shall forward its report and recommendations to the City Board for action. Upon receipt of the Planning Commission's report to the City Board shall consider such report and

recommendations, the preliminary development plan and such other information as it may require. The City Board shall hold such required hearings and otherwise proceed in the manner set forth in this resolution for consideration of an amendment to the zoning resolution.

In any instance where the City Board may act to approve a preliminary development plan at first reading with the condition that items be amended so as to alter the development plan as it was considered by the Planning Commission such plan shall be returned to the Planning Commission for a recommendation. The Planning Commission shall at its next meeting vote to recommend to the City Board that such amended plan be either approved or disapproved but may not recommend that such amended plan be approved with new conditions set by the Planning Commission. In no case City Board vote to approve a development plan on final reading unless an identical plan had been considered by the Planning Commission.

F. Planned Unit Development and the Official Zoning Map

Upon approval by the City Board, the Planning Department shall place the extent of the planned unit development on the official zoning map identified by the ordinance number providing approval.

G. Recording of a PUD

Within ninety (90) days following enactment of an adopting ordinance by the City Board, all owners shall record with the Register of Deeds a boundary plat or suitably comparable document identifying that the affected properties are subject to the provisions of a Planned Unit Development Overlay district. Suitable instruments indicating the nature and extent of all off-site improvements and special conditions to which the development is subject shall be recorded with such plat.

H. Application for Approval of the Final Master Plan

The action of the City Board on the zoning request and the preliminary master plan shall authorize and form the basis for the Planning Commission approval of a final master plan.

I. Application for Final Approval.

After zoning a Planned Unit Development District, the landowner may make application to the Planning Commission for approval of a final master development plan, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the City Board. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bonds as were set forth by the Planning Commission's preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.

J. Final Approval of Stages

The application for final approval and the final approval by the Planning Commission

may be limited to each stage as appropriate in a large Planned Unit Development.

K. Final Master Development Plan

The final master plan of a planned unit development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master plan.

The final development plan shall be deemed in substantial compliance with the preliminary development plan provided modifications by the applicant do not involve changes which in aggregate:

1. Violate any provisions of this article;
2. Vary the lot area requirement as submitted in the preliminary plan by more than ten (10) percent;
3. Involve a reduction of more than five (5) percent of the area shown on the preliminary development plan as reserved for common open space.
4. Increase the floor area proposed in the preliminary development plan for any use by more than two (2) percent; and
5. Increase the total ground area covered by buildings by more than two (2) percent.
6. Involve any land use not specified on the approved preliminary development plan or the alternative list of uses for non-residential sites.

7-4 Addition of Land Uses Not Included Within an Approved Preliminary Master Development Plan

No uses shall be allowed if such uses were not requested on the approved preliminary Master development plan. Any additional uses shall be considered a major change and shall necessitate returning a revised preliminary master plan to the Planning

7-5 Amendments to the PUD

The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following.

- A. The landowner, the residents and/or owners of or in the PUD may apply to the Planning Commission for an amendment to the master plan. The Planning Commission may approve such amendment so long as the original intent is not abrogated, and the change does not in any way damage any part of the PUD or any adjoining properties.
- B. Minor changes in the location orientation, and height of buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval.
- C. Major changes including an increase in the number of dwelling units, changes in the type of structures (such as single family to multi-family) major rearrangement of lots, blocks, or building tracts, or a reduction in the amount of open space must be submitted to both the Planning Commission and City Board.

7-6 Cancellation of an Adopted Planned Unit Development

In the event that actual construction has not begun within three (3) years from and after the date of the ordinance adopting or amending a plan unit development the Planning Commission may, after an official meeting with notice to the landowner, act to cancel the approved master plan or at any time upon the petition of the landowner. No further developmental activity may take place until the existing development plan is reinstated to an active status or a revised development plan meeting all conditions of this ordinance is approved.

7-7 Failure to Begin Planned Unit Development

If no "actual construction" has begun in the planned unit development within five

(5) years from the date of approval of the final development plan, or section thereof, said approval shall lapse and be of no further effect. No further developmental activity may take place until the existing development plan is reinstated to an active status or a revised development plan meeting all conditions of this ordinance is approved.

7-8 Maintaining a Current Development Plan

Building permits may be issued only within such portion(s) of a planned unit development for which a current final development plan is in effect. In spite of prior approvals, no action shall be taken in furtherance of any plan for a planned unit development for which a current final development plan is not in effect. In any instance where the approval of such plans may have lapsed due to non-commencement of actual construction, the following actions may be taken.

7-9 Reinstatement of Previously Approved Development Plan

In the event that actual construction may not have begun and/or the approval of the final development plan shall have lapsed, such plan may be reinstated by action of the Planning Commission and development may proceed, provided that no change is proposed that would require amendment of the plan.

7-10 Amending a Lapsed Development Plan

In the event that actual construction may not have begun, approval of the development plan shall have lapsed, and revisions and/or alterations are proposed that exceed the minor site modifications authorized by Subsection 7-10, and thus would require amendment of the plan, such action may be accomplished only upon approval of a new preliminary development plan.

7-11 Building Permits and Use and Occupancy Permits

Building permits and use and occupancy permits shall be issued for uses, buildings and other structures in planned unit developments in accordance with this section; otherwise, permits and certificates shall be issued in accordance with the other provisions of this ordinance as applicable.

7-11.1 Site plans

Site plans shall be provided in accordance with the provisions of Article XI (11) Section 3.0

7-11.2 Building Permits

Building permits may be issued for structures, buildings, activities, or uses only in strict compliance with the adopted final development plan of the planned unit development, including any conditions of approval. No building permit shall be issued for the area included in a preliminary planned unit development until the final development plan has been approved.

7-11.3 Use and Occupancy Permits

A use and occupancy permit may be issued only when the Zoning Administrator determines that the structure, building, activity, or use as a part of a planned unit development conforms with the adopted final development plan, including any conditions of its approval.

7-12 Minor Site Modifications to an Adopted Final Master Development Plan

Minor modifications to the terms and conditions of the adopted final development plan may be made from time to time as provided in the following paragraphs. Any proposed modification not permitted under these provisions may be approved only as an amendment to the adopted final development plan.

7-12.1 Minor Modifications During Construction

So long as no modification violates the basic policy and concept or bulk and open space regulations of the planned unit development as presented in the approved final development plan, the Planning Director may approve minor modifications in the location, siting, and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the final development plan was approved. The total of such modifications approved by the Planning Director shall never in aggregate result in:

- A. Any change in use;
- B. An increase of more than three (3) percent in the floor area proposed for use of a commercial or industrial nature;
- C. An increase of more than three (3) percent in the total ground area covered by buildings;
or
- D. A reduction of more than two (2) percent in the area set aside for common open space.
- E. Minor modifications in the location of streets and underground utilities may be approved under this section.

7-12.2 Resubdivision of a Planned Unit Development After Completion

A CPUD may be subdivided and re-subdivided for purpose of sale or lease after the certificate of completion has been issued under the procedures set forth below:

If the subdivision or resubdivision of planned development will create a new plot line, the applicant shall make application to the Planning Commission for approval of a subdivision or resubdivision. The Planning Commission may approve the subdivision or resubdivision of each section of the subdivided or re-subdivided planned development if it meets the provisions of this article governing density, common open space, and dimensional requirements.

All sections of a subdivided or re-subdivided planned development are to be controlled by the final development plan rather than by the provisions of the zoning ordinance that otherwise would be applicable.

The owners or lessees of a subdivided or re-subdivided planned development may jointly make application for a conditional use or for an amendment to the adopted final development plan.

7-13 General Development Standards

The following provisions shall be applicable as indicated to all planned unit developments.

7-13.1 Relationship to Other Requirements

Unless otherwise, specified in this article, all requirements and standards established by other provisions of this ordinance shall apply to the development and use of properties located within any PUD District. In a case of conflict between the provisions of this article and any other provision of this ordinance, the provisions of this article shall apply within PUD Districts.

7-13.2 Landscaping and Buffering

Within any planned unit development, landscaping and buffering shall be provided. This provision is intended to permit and encourage use of flexible techniques to achieve a transitional character through site design that minimizes the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use.

7-13.3 Parking, Loading and Access

All planned unit developments shall be subject to the provisions of Article IV, Section 5- (Off-street Parking Requirements) and Section 5-1 (Off-street Loading and Unloading Requirements) provided that the Planning Commission may permit a variance from off-street parking and loading requirements in approving a final development plan.

7-13.4 Neighborhood Relationship

A planned unit development shall be harmonious and not conflict with surrounding residential neighborhoods. Developments permitted under this procedure shall be planned, designed and constructed so as to avoid undue traffic congestion in the surrounding residential area and provide a satisfactory relationship of land use with the surrounding residential area. Use of landscaping, screening, open space and placement of buildings shall be utilized in a manner that will minimize impact upon abutting and near-by properties.

7-13.5 Architectural Compatibility

Architectural features deemed essential to ensure compatibility with surrounding properties shall be incorporated. Architectural compatibility should be limited to those portions of the development which abut adjacent properties or can be seen directly from off-site street frontage. Examples of architectural features which may be important for ensuring compatibility include building bulk, height, roof slopes, building orientation, overhangs, location of porches and decks, window placement and exterior materials.

7-13.6 Permitted Land Uses

Land uses permitted within any PUD District shall be established by the underlying zoning district(s). Any land use classified as a “Permitted Use” to the underlying district may be permitted within a corresponding PUD District. Any land use classified as a “Special Exception” within the underlying district may be permitted within a PUD District, if approved initially as a part of a Master Development Plan, or, upon completion of the development, by the Board of Zoning Appeals (See Section 11.5) based upon a favorable recommendation by the Planning Commission.

7-13.7 Preservation of Natural Features

Mature trees, vegetative cover, watercourses, stone walls, existing relief and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:

- A. Enhancing the quality of new development;
- B. Protecting the natural environment;
- C. Providing buffering between new development and surrounding properties; and
- D. Protecting existing neighborhood character.

7-13.8 Mixing of Uses Within Planned Unit Development Districts

A primary objective for creating Planned Unit Development districts is to encourage and facilitate the process of combining various uses within a well-planned and coordinated manner. By carefully managing the type and nature of the various uses and activities included within such developments it is possible to facilitate greater mixing of land uses than is possible with the application of conventional zoning districts. The ultimate purpose of this process is integration of living, working and shopping environments into cohesive mixed-use neighborhoods that afford increased function, amenity and economic stability.

7-13.9 Utility Requirements

A. Water Service

Public water service sufficient to provide fire protection shall be available within all RPUD districts.

B. Underground Utilities Required

All electrical, telephone and cable television service shall be underground.

C. Sewer Service

Other than tracts of land containing, planned developments specifically limited to single family and/or duplex dwelling units, no tract of land shall be approved as a planned development unless such tract is directly served by the public sewerage system of the community. Under no circumstance shall a Final Development Plan of any planned development be approved when such development is not served by public sewer.

7-14 Residential Planned Unit Development

The purpose of a Residential PUD is to permit development of land, which has reasonable topography and is suitable for development. The RPUD permits a variety of housing types but is primarily aimed at single-family detached dwellings.

A. Minimum Size

The minimum acres required for a Residential PUD is five (5) acres.

B. Permitted Activities in a Residential PUD

The following activities listed in Table I, may be permitted in a PUD only when deemed appropriate by the Planning Commission and the City Board as approved with the preliminary master plan. Other activities not listed are prohibited.

C. Limitation on Commercial Activities

The commercial activities permitted in Table I, shall be limited to no more than five (5) percent of the total floor area within such development and provided further that the maximum floor area for any single establishment shall be five thousand (5,000) square feet. Such commercial activities shall be designed to serve primarily the residents within the PUD and shall not be constructed until at least one-half (1/2) of the residential units are complete. These provisions may be altered provided they are submitted and approved by the City Board as part of the preliminary master plan.

D. Density, Bulk and Open Space Regulations

1. Single Family Detached Dwelling Units

a. Lot Size

- i. Minimum Lot Size None
- ii. Maximum Density 3 dwelling units per acre
- iii. The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. The minimum required ratio of dedicated common open space should be in terms of the maximum density of the planned unit development and based on five percent of the total gross acreage.

b. Yards

- i. Minimum Front Yard 25 ft.
- ii. Minimum Side Yard None
- iii. Minimum Rear Yard None

2. Multi-Family Dwellings

- i. Maximum Building Height: 35 ft.
- ii. The maximum overall densities shall be in terms of the number of dwelling units per gross acre of all the area within said development.
- iii. The maximum floor area shall be in terms of a ratio of total floor area per

total area within said development, as provided herein.

iv. Yard requirements are waived and the above minimum controls shall be applied.

3. The minimum total outdoor area (including all uncovered outdoor areas, such as streets, parking, lawn, landscaped areas, patios, recreation, as well as usable roofs and uncovered balconies) shall be provided at no less than a minimum ratio of outdoor area per total floor area, as provided herein.
4. The minimum total living space (that part of the total outdoor area which includes lawn, landscaping, and recreation areas and excluding streets and parking) shall be provided at no less than a minimum ratio of living space area per total floor area, as provided herein.

E. Development Standards

1. Perimeter Requirements

Along the perimeter of the Planned Unit Development, buildings shall be designed to harmonize in scale, setbacks, and mass with existing adjacent areas. A minimum setback of twenty-five (25) feet shall be required around the perimeter of all residential planned unit developments. Perimeter landscaping shall also be required.

2. Landscaping Requirements

Every PUD shall be attractively landscaped. The site perimeter and parking lot, landscaping requirements of Article VIII Shall apply and be included in the dedicated open space. All transitional buffer is within single family developments shall be in dedicated open space or within a Easement that will be maintained by the homeowners Association. All developments are required to have street trees along the right-of-way in the area reserved for them

3. Parking and Storage

On-street parking shall be prohibited in all planned unit developments. All parking and storage areas shall be enclosed or concealed by berms and/or buffers.

4. Signs

The location and design of all signs shall be shown as a separate element of the preliminary master plan.

5. Street Improvements

Within any residential PUD, streets may be public or private. Privately constructed streets shall be built according to the same standards as public streets as per the requirements of the City of Adams Subdivision Regulations. Likewise, private streets shall be inspected by the City during all phases of construction as per the Subdivision Regulations. Provisions for the permanent maintenance of private streets shall be provided by the developer through the use of a homeowner's association or other approved methods.

6. Utilities

The development shall be serviced with public sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. Fire hydrants shall be located within two hundred-fifty (250) feet of each dwelling unit except one- and two-family dwellings.

7. Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

F. Development Standards for Multi-Family Projects

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.

Street sidewalks and on-site walks may be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.

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

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

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

Attractive outdoor sitting areas may be provided, appropriate in size, type and number to the needs of the residents.

Access and circulation shall adequately provide for firefighting equipment, service deliveries, and furniture moving vans and refuse collection.

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve.

Walks and steps shall be provided, maintained and lit for night use.

G. Development Standards for Attached Dwellings

The minimum lot required for any individual attached dwelling should be as required to meet other provisions of these regulations. Individual attached dwellings may exceed the maximum lot coverage provisions established for the area in which such site is located.

However, in no instance shall the aggregate site coverage of all dwellings, attached or otherwise, exceed the coverage provisions established for the PUD District in which such site is located.

Minimum width for the portion of the lot on which the City house is to be constructed shall be twenty-two (22) feet.

Not more than seven (7) contiguous City houses shall be built in a row with the same or approximately the same front line, and not more than twelve (12) City houses shall be contiguous.

Parking for attached dwellings may be constructed with two (2) off- street parking space required, and the other required space constructed in bays either adjacent to the streets or in the interior of blocks. Such spaces shall be located within two hundred (200) feet of each unit to be served. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls.

Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.

Street sidewalks and on-site walks may be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.

H. Quality and Improvement of Common Open Space

No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation, steep slopes, or floodplains may be left unimproved. Any buildings, structures, and improvements, which are permitted in the common open space, must be appropriate to the uses, which are authorized for the common open space having regard to its topography and unimproved condition.

If the master plan provides for buildings, structures, and improvements, in the common open space then the developer shall provide a surety bond of equal value in order to ensure that the buildings, structures, and improvements will be completed. The Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

7-15 Commercial Planned Unit Development

The Commercial PUD (CPUD) allows for development of land in a well-planned and coordinated manner and permits a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the

development of land with provision of adequate roadways and public services. In general, the uses and activities permitted in the commercial zoning district may be permitted with a CPUD. In return, the CPUD requires a high standard for protection and preservation of environmentally sensitive lands, well planned living, working and shopping environments and timely provision of essential utilities and streets.

A. Findings of Appropriateness

Due to the unique ability of the planned unit development process to tailor individual developments so as to achieve balanced and reasonable use of the land while maintaining an assured measure of protection for surrounding owners, it is necessary that limited discretion be afforded the Planning Commission and Board of Mayor and Aldermen in the process of selecting uses for location within particular developments. In this regard, it is necessary that the uses permitted within a particular development establish and maintain a high degree of compatibility with the immediately surrounding area. To this end, the selection of uses permitted within each individual commercial planned unit development will be guided by:

The use provisions established for the base district which the commercial planned unit development overlays.

The appropriateness of each use given the intended function of each type commercial planned unit development.

The unique nature of the property surrounding each development.

Consistency with any adopted area development plan which may be applicable to the proposed site.

This process may result in limitations, restrictions or the prohibition of particular uses permitted within a base zoning district from a commercial planned unit development which overlays that district.

B. Location and Required Area of Nonresidential Planned Unit Developments

1. Review of Adopted Long-Range General Plan Required

In no event shall the location, composition, and extent of a proposed commercial planned unit development be approved unless such proposed development is consistent with the actions and policies regarding land development adopted by the Planning Commission.

C. Market Analysis for Nonresidential Planned Unit Development

The Planning Commission may require a market analysis for any proposed nonresidential planned unit development. The market analysis will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the commercial land use in the area, to determine the timing of any proposed development, to limit the extent of convenience districts, serving a particular residential area; to ascertain the effects of a proposed development upon lands used or zoned for commercial purposes; to form a basis for evaluating the estimated effects on traffic, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The market analysis, if required, shall be provided

by the landholder and the landholder shall provide any other economic data or analysis as may be reasonably requested by the Planning Commission or City Board.

D. Bulk, Height and Building Spacing Requirements

1. Building Coverage Ratio

Individual buildings located within a nonresidential planned unit development district may exceed the maximum lot coverage ratio established for the base zoning district wherein the nonresidential planned unit development is located. However, in no instance shall the aggregate site coverage of all buildings located within the Nonresidential Planned Unit Development District exceed the coverage provisions established for the base zoning district in which such site is located. Building coverage ratios shall be calculated on a pro-rata basis when more than one underlying base zoning district is included within a nonresidential planned unit development. If land uses are proposed to be redistributed across the boundaries of underlying zoning districts, maximum floor areas shall be assigned to each component of the Master Development Plan and recorded by plat or equivalent instrument with the first phase of the Final Master Development Plan.

2. Maximum Building Height

The building height provisions established for the base zoning wherein the nonresidential planned unit development is located shall apply to all buildings.

3. Building Spacing and Yards

a. (i) Provisions Applicable Along Residential District Boundaries

Along all portions of a district boundary where a nonresidential planned unit development adjoins residentially zoned land not included within the PUD District, all buildings, measured from the site boundary to the nearest building line, shall be set back a minimum of sixty (60) feet.

b. (ii) Provisions Applicable Along all Other District Boundaries

Unless, otherwise, specified in the approved Master Development Plan for the nonresidential planned unit development all development located along district boundaries shall provide minimum yards and building separations specified for the base zoning district. Within the nonresidential planned unit development district, such yards shall be landscaped and maintained in a manner appropriate to a residential neighborhood for a distance of fifteen (15) feet from the lot line adjacent to any street. No such required landscaped area shall be used for off-street parking, loading or storage of any kind. No landscaping adjacent to a street shall impair visibility of or from approaching traffic or create potential hazards for pedestrians. Where the site plan indicates potential adverse effects of parking or other characteristics of a commercial activity, a wall, fence, or appropriate vegetative screening shall be required to be erected and maintained in such manner as to eliminate such effects or reduce them to an acceptable level. If there is to be parking on the premises after dark, such buffering shall at a minimum prevent lights from automobiles parked or maneuvering incidental to parking from shining across adjacent residential property below a height of five (5) feet.

- c. (iii) Provisions Applicable to Internal Portions of a Commercial Planned Unit Development District Except as provided in Section 5 (Streets, Parking, and Off-Street Loading and Unloading Requirements of this section, the minimum yard requirements of the base district shall be waived within nonresidential planned unit development districts. Minimum building separation shall be as provided herein. Along all sides of buildings where vehicular access is from a public street, buildings shall be set back a minimum of sixty (60) feet. In cases where a building wall is not located directly adjacent to an interior side or rear lot line that is not adjacent to an alley, a yard with a minimum width or depth from the lot line of fifteen (15) feet or the distance required by applicable building and fire codes shall be provided. Permitted obstructions within such yards shall be limited to those permitted within the base district.
4. Outdoor Storage or Activities
- Unless specified in the approved Master Development Plan all outdoor storage facilities and outdoor sales activities are prohibited in any nonresidential planned unit development district. This provision shall not be construed to exclude seasonal displays, short-term charitable events, of no more than ninety, (90) days duration, the outdoor display of new or used automotive vehicles or trailers for sale or rent, or the incidental display of goods or chattels for sale or rent in a nonresidential planned unit development district by an establishment having activities that occur principally within a building.
5. Lighting Provisions
- No direct source of illumination located in a nonresidential planned unit development shall be visible beyond the boundary of such development. No illumination of any kind shall exceed one (1) foot-candle power at or beyond the boundary of such development and shall not flash or blink or appear to flash or blink or shall be animated or appear to be animated.
6. Landscaping Provisions

The provisions of Section V shall apply fully within all nonresidential planned unit development districts. In particular, off-street parking areas, service areas for loading and unloading other than passenger vehicles and areas for storage and collection of refuse and garbage shall be screened.

TABLE I: PERMITTED USES AND STRUCTURES PLANNED UNIT DEVELOPMENT

Residential Activities	District	
	RPUD	CPUD
Permanent Residential		
Dwelling Attached	P	P
Dwelling One-Family Detached	P	P
Dwelling Two-Family Detached	P	N
Dwelling Semi-Detached	P	P
Dwelling Mobile Home	N	N

Dwelling Multi-Family	P	P
Semi-Permanent Residential	N	N
Community Facilities Activities		
Administrative Services	S	S
Community Assembly	S	S
Community Education	S	S
Cultural & Recreation Services	S	S
Essential Services	S	S
Personal & Group Care Facilities	N	S
Religious Facilities	S	S
Commercial Activities		
Consumer Repair Services	P	P
Convenience Commercial	P	P
Entertainment & Amusement Services	P*	P*
Financial, Consultative & Administrative	P	P
Food & Beverage Services	P*	P*
General Business & Professional Services	P*	P*
Medical and Profession Services	P	P
Transient Habitation	N	P*
<p>P - May be considered as a permitted use.</p> <p>N - Not permitted in the district,</p> <p>S – Permitted as “Special Exception”,</p> <p>* May be considered only when the PUD contains 200 units or more.</p>		

ARTICLE VIII FLOODPLAIN REGULATIONS

Section

- 8-1 Floodplain District Regulations**
- 8-2 Definitions**
- 8-3 General Provisions**
- 8-4 Administration**
- 8-5 Provisions for Flood Hazard Reduction**
- 8-6 Variance Procedures for Areas of Special Flood Hazard**
- 8-7 Legal Status Provisions**

8.1 Floodplain District

Statutory Authorization, Findings of Fact, Purpose and Objectives

8-1.1 Statutory Authorization

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

8-1.2 Findings of Fact

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

Areas of the City of Adams, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

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

8-1.3 Statement of Purpose

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

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

8-1.4 Objectives

The objectives of this Ordinance are:

- A. To protect human life, health, safety and property.
- B. To minimize expenditure of public funds for costly flood control projects.
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. To minimize prolonged business interruptions.
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas.
- F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas.
- G. To ensure that potential homebuyers are notified that property is in a flood prone area.
- H. To maintain eligibility for participation in the NFIP.

8.2 Definitions

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

ACCESSORY STRUCTURE means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

- A. Accessory structures shall only be used for parking vehicles and storage.
- B. Accessory structures shall be designed to have low flood damage potential.
- C. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

- D. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- E. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

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

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

AREA OF SPECIAL FLOOD HAZARD see **SPECIAL FLOOD HAZARD AREA**

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

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

BUILDING see **STRUCTURE**.

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

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

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

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

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

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

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

EXISTING STRUCTURES see **EXISTING CONSTRUCTION**.

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

FLOOD or FLOODING

- A. 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.
 - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

FLOODPLAIN or **FLOOD PRONE AREA** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

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

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

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

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

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

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

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

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

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. 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.
- C. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on the City of Adams, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
- E. By the approved Tennessee program as determined by the Secretary of the Interior or
- F. Directly by the Secretary of the Interior.

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

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

LOWEST FLOOR means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor;

provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

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

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

NATIONAL GEODETIC VERTICAL DATUM (NGVD) means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

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

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

NORTH AMERICAN VERTICAL DATUM (NAVD) means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

100-YEAR FLOOD see **BASE FLOOD**

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

REASONABLY SAFE FROM FLOODING means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

RECREATIONAL VEHICLE means a vehicle which is:

- 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.
- D. 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.

REGULATORY FLOOD PROTECTION ELEVATION means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

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

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

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

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

STATE COORDINATING AGENCY the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

VARIANCE is a grant of relief from the requirements of this Ordinance.

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

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

8.3 General Provisions

8-3.1 Application

This Ordinance applies to all areas within the incorporated area of the City of Adams, Tennessee.

Basis for Establishing the Areas of Special Flood Hazard. The Areas of Special Flood Hazard identified on the City of Adams, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 26, 2021 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47021C0239E, 47021 C0302E, 47021 C0304E, 47021 C0306E, and 47021C0308E, dated December 22, 2016, and 47021C0245E dated February 26, 2021 along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

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

8-3.2 Compliance

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

8-3.3 Abrogation and Greater Restrictions.

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

8-3.4 Interpretation.

In the interpretation and application of this Ordinance, all provisions shall be:

- A. considered as minimum requirements.
- B. liberally construed in favor of the governing body and
- C. deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

8-3.5 Warning and Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damage. This Ordinance shall not create liability on the part of the City of Adams, 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.

8-3.6 Penalties for Violation.

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

8.4 Administration

8-4.1 Designation of Ordinance Administrator.

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

8-4.2 Permit Procedures.

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

8-4.2.1 Application Stage

- A. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- B. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- C. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article VII.
- D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.
- F. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
 - G. An itemized cost of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.
 - H. Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
 - I. A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
 - J. A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.

8-4.2.2 Construction Stage.

- A. Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
- B. Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same. For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.
- C. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above- referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop- work order for the project.

8-4.2.3 Finished Construction Stage.

- A. For all new construction and substantial improvements, the permit holder shall provide the Administrator with a final Finished Construction Elevation Certificate (FEMA Form 086-0-33). A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

8-4.3 Duties and Responsibilities of the Administrator.

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

- A. Review all development permits to ensure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- B. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

- C. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- D. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the Letter of Map Revision process.
- E. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- F. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
- G. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
- H. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
- I. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- J. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Adams, Tennessee FIRM meet the requirements of this Ordinance.
- K. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
- L. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs

showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

8.5 Provisions for Flood Hazard Reduction

8-5.1 General Standards

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

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.
- B. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable to the State of Tennessee and local anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system.
- G. 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.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance shall be undertaken only if said non-conformity is not further extended or replaced.

- K. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.
- L. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
- M. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.
- N. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

8-5.2 Specific Standards

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

A. Residential Structures.

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures". Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

B. Non-Residential Structures.

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls

be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

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

C. Enclosures.

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

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

1. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
2. The bottom of all openings shall be no higher than one (1) foot above the finished grade.
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

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

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

D. Standards for Manufactured Homes and Recreational Vehicles.

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

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

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

2. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

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

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

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

1. Be on the site for fewer than 180 consecutive days.
2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
3. The recreational vehicle must meet all the requirements for new construction.

Standards for Subdivisions and Other Proposed New Development Proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

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

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

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

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

8-5.3 Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

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

Therefore, the following provisions shall apply:

- A. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic

analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

- B. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA.
- C. ONLY if Article 8-5.3 provisions (A) through (B) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Articles 8-5.1 and 8-5.2.

8-5.4 Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated.

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

- A. Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed 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.
- B. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA.
- C. ONLY if Article 8-5.4 provisions (A) through (B) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Articles 8-5.1 and 8-5.2.

8-5.5 Standards for Streams without Established Base Flood Elevations and Floodways (A Zones).

Located within the Special Flood Hazard Areas established in **Article 8-3.1**, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

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

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

8-5.6 Standards for Areas of Shallow Flooding (Zone AO).

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- A. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
- B. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of

buoyancy . Certification is required in accordance with Article 4, Section B(1) (c) and Article V, Section B(2).

- C. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

8-5.7 Standards for Areas of Shallow Flooding (Zone AH).

Located within the Special Flood Hazard Areas established in Article VIII, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses shown in this zone. In addition to meeting the requirements of Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- A. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

8-5.8 Standards for Areas Protected by Flood Protection System (A-99 Zones).

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

8-5.9 Standards for Unmapped Streams.

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

- A. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
- B. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

8.6 Variance Procedures for Areas of Special Flood Hazard

8-6.1 Authority

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

8-6.2 Procedure

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

8-6.3 Appeals

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

8-6.4 Powers

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

8-6.4.1 Administrative Review

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

8-6.4.2 Variance

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

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

- A. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- B. In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 1. The danger that materials may be swept onto other property to the injury of others.
 2. The danger to life and property due to flooding or erosion.

3. The susceptibility of the proposed facility and its contents to flood damage.
 4. The importance of the services provided by the proposed facility to the community.
 5. The necessity of the facility to a waterfront location, in the case of a functionally dependent use.
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 9. 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.
 10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- C. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

8-6.4.3 Conditions for Variances

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

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

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

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

8.7 Legal Status Provisions

8-7.1 Conflict with Other Ordinances

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

8-7.2 Severability.

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

8-7.3 Effective Date

This Ordinance shall become effective immediately after its passage the City of Adams Tennessee, and the public welfare demanding it.

ARTICLE IX STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

Section

9-1 Standards for Signs

9-1 Standards for Signs

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to ensure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below:

9-1.1 Intent and Objectives

A. Statement of Purpose

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

1. Protect the right to the use of signs for the identification of activities and any related products, services, and events and for noncommercial messages.
2. Assure proper exposure of signs to their intended viewers.
3. Protect the right of individuals to privacy and freedom from nuisances.
4. Protect the value of property and improvements thereon.
5. Permit signs that are constructed and maintained in a safe condition.
6. Assure that signs are constructed and maintained in a safe condition.
7. Encourage design that enhances the readability and effectiveness of sign.
8. Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision.
9. Reduce traffic hazards.
10. Eliminate obsolete signs.
11. Provide an efficient and effective means of administration and enforcement.

B. Scope

Except for signs that are prohibited in all districts in Section 9-1.4, herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures. These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this zoning ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of these regulations.

9-1.2 Permit Procedures

A. Permit Required

No sign or sign structure, except as provided in Sections 9-1.2, H, 4 (Exempt Signs) and 9-1. 7 (Nonconforming Signs), shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. For the purpose of this ordinance, all signs are considered accessory uses of real property and shall be located on the premises of the principal use to which they pertain.

B. Permit Application

Applications for sign permits shall be submitted on a form provided by the Building Official and shall contain or have attached at a minimum the following information in either written or graphic form:

1. Application date.
2. Name, address, and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.
3. Address of the property where the sign or sign structure will be erected.
4. Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.
5. Location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public rights of way, and intersections.
6. Type of sign, i.e., monument, walls, and general description of structural design and construction materials.
7. Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter, and area dimensions means of support, method of illumination if any, and any other significant aspect of the proposed sign.
8. Any other information requested by the Building Official in order to carry out the purpose and intent of these regulations.

C. Permit Review, Issuance, and Recording

The Building Official shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application, with approval and approval date noted, for all signs which conform to the requirements of this ordinance. Such approved applications shall serve as sign permits. The Building Official shall maintain a record of all sign permit applications with notations of approval or disapproval. All sign permits shall be dated and numbered in the order of their issuance.

D. Inspections

A final inspection by the Building Official or his designee shall be completed after installation of all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halting of construction or sign removal if ordered by the Building Official.

E. Complaints and Revocations

The Building Official shall investigate any complaints of violations of this ordinance and may revoke a permit if there is any violation of the provisions of this ordinance or there was misrepresentation of any material facts in either the application or plans.

F. Expiration of Sign Permits

If an approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued, the permit shall expire and become null and void.

G. Removal

1. Illegal Signs

The Building Official may remove or order the removal of any sign not in conformance with the provision of this ordinance, at the expense of the sign owner or lessor.

2. Immediate Peril

If the Building Official shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the Building Official cannot locate the sign owner or lessor for immediate removal of the sign; he shall remove or order the removal of the sign at the expense of the sign owner or lessor.

H. Variances

1. Generally

The Board of Zoning Appeals may grant variances for the following reasons:

- a. To allow a setback for a sign that is less than the required setback.
- b. To allow the area or height of a sign to be increased by up to twenty-five (25) percent of the maximum height or area allowed.

2. Standard of Review.

The Board of Zoning Appeals shall consider applications for variances only in situations where the applicant has been denied a sign permit by the Building Official. The Board of Zoning Appeals may grant a variance authorized by this section if it finds that the following special physical conditions exist:

- a. The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and
- b. Such physical characteristics prevent legal signing from identifying the activity as compared to legal signing identifying other activities in the immediate area.
- c. The Board may grant a twenty-five (25) percent variance as allowed in (b) if the petitioner is reducing a larger pre-existing nonconforming sign.

3. Procedures

All requests for variances must be filed with the Board of Zoning Appeals within thirty (30) days of the decision by the Building Official.

4. Exempt Signs

Sign permits shall not be required for the following:

- a. Address and Name of Resident: Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- b. Artwork: Works of art that do not include any commercial messages or references.
- c. Construction Signs: Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- d. Decals: Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishment.
- e. Directional Signs: Signs giving on-site directional assistance for the convenience of the public, not exceeding four (4) square feet in area, two and one-half (2 1/2) feet in height and located out of the right-of-way and sight distance triangle. Directional signs may be internally lit. Commercial messages, names, or logos shall be prohibited on directional signs.
- f. Flags, Emblems, and Insignias: For any governmental agency or religious, charitable, public, or non-profit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, or insignia shall be limited to one (1) per zoning lot and shall not exceed forty (40) square feet in area.
- g. Garage/Yard Sale Signs: One (1) sign per lot, with a maximum size not to exceed 18 x 18 inches. Signs may be erected two (2) days prior, are not permitted on a continuing basis, may be erected for fourteen (14) days in succession and must be removed within two (2) days after the sale. Signs must be at least ten (10) feet from any right-of-way and may not be

attached to utility poles. Signs may be located on any lot within the subdivision with the lot owner's permission.

- h. Handicapped Parking Space Sign: Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- i. Political Signs: Shall be limited in size and structure to a height of four (4) feet and a total square footage not to exceed thirty-two (32) square foot, and shall not be permitted upon any public property, easement, or right-of-way, and shall be permitted only upon privately owned lots with the consent of the owner no closer than five (5) feet from the curb or right-of-way of any street. Such signs may be displayed for a period of ninety (90) days prior to any primary, special, or general election. Political signs shall be allowed in all zoned districts and must be removed within seven (7) days following the relevant election.
- j. Private Drive Signs: On-premises private drive signs limited to one (1) per drive entrance, not exceeding two (2) square feet in area, with language limited to the words "private drive" and the address of any residences utilizing the private roadway.
- k. Public Signs: Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the Board of Mayor and Aldermen or under the direction of the Board.
- l. Seasonal Signs: Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
- m. Security and Warning Signs: On premise signs regulating the use of the premises, such as "No Trespassing, No Hunting and No Soliciting" signs that do not exceed two (2) square feet in area in residential areas and five (5) square feet in area in commercial and industrial areas.
- n. Temporary Real Estate Signs: Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one (1) per property not exceeding six (6) feet in height and not exceeding four (4) square feet in area in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.

5. Temporary Signs Requiring Approval

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

- a. Special event signs: Signs announcing special events including, but not limited to grand openings, new management, going out of business, and

events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two (2) temporary signs including portable signs, twice during the calendar year for a period not to exceed thirty (30) days. Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public and shall be removed immediately following the event.

- b. Temporary farm products sign: Temporary on-premises signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.
- c. Construction signs: Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding twenty (20) square feet in area and eight (8) feet on height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.
- d. Auction Sign: Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5) signs per event and shall not exceed sixteen (16) square feet, except on the auction site itself and this sign shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct the vision of a motorist or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this zoning ordinance shall be removed at the owner's expense and be subject to penalty.

9-1.3 General Provisions:

- A. No sign shall be erected or maintained whereby reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device or, emergency vehicle.
- B. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto adjoining property.
- C. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.
- D. On the premises outdoor advertising signs, shall not intrude upon the public right-of-way.
- E. Signs erected and overhanging on any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.
- F. Professional signs and signs for home occupations shall not exceed two (2) square feet in areas in the residential and agricultural districts.

G. Temporary Signs and Posters Are Subject to the Following Regulations:

1. Each sign shall not exceed five (5) square feet in area, excluding banners.
2. The signs shall not be located closer together than five hundred (500) feet
3. Such signs shall not be nailed to trees, fence posts or public utility poles and shall not be located in the public right-of-way, excluding banners.
4. All such signs advertising events shall be removed within ten (10) days after the event date.
5. All such signs shall be valid for thirty (30) days only, after which time they shall be removed.

H. Electronic Message Display. Signs that only contain gas prices, time and temperature shall only meet maximum lighting intensity requirements and image duration requirements listed below. Digital signs shall be regulated as reader boards by other provision of this resolution regarding maximum percentage of sign and location of signs.

1. Number and Location:

Only one (1) electronic message sign is permitted for each tract of land or land use. Signs shall be located 100 feet outside highway intersections and not installed in locations that will directly block or confuse a driver's view. Signs shall be spaced 250 feet from any other electronic message sign along roadways. The distance shall be measured along roadways not straight lines between signs. Signs shall be located a minimum of 100 feet from any residential dwelling. Signs along interstate and limited access state highways shall meet State of Tennessee Requirements.

2. Electronic Message Signs shall be permitted in all zoning districts except the C-2 (Neighborhood Commercial District), C-3 (Town Center Commercial District) and Agricultural and Residential Districts. The Planning Commission shall review and approve all message board signs as part of the site plan review process. The Board of Appeals may review proposals as "Special Exceptions" for nonresidential signs in Agricultural/Residential Districts providing the applicant can demonstrate compliance with the provisions and intent of the Resolution.

3. Illumination and Brightness:

Signs during daytime hours shall have a maximum lighting intensity of 7,500 nits and during nighttime hours shall be a maximum intensity of 750 nits.

4. Message Duration: Images shall remain static for a minimum of eight (8) seconds and image changes and scrolling shall be accomplished within two (2) seconds or less. Images shall not flash or include sudden burst of light or contain continuous scrolling and animation.

9-1.4 Signs prohibited in all districts:

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

- A. Any sign that is abandoned, deteriorated, unsafe, or not otherwise, identified as defined in this zoning ordinance.
- B. Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof.
- C. Signs which are made structurally sound by guy wires or unsightly bracing.
- D. Signs which contain any kind of strobe or pulsating lights.
- E. Animated signs.
- F. Banner signs across public roads.
- G. Any sign with direct illumination provided by exposed bulbs or lamps.
- H. Off-premises signs, except as permitted in;
- I. Flashing signs.
- J. Hand tacked signs, on utility poles, fence posts and trees.
- K. Portable signs, except as permitted in Section 9-1.8.
- L. Roof signs.

9-1.5 Signs permitted in any district

- A. For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
- B. Nonilluminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.
- C. One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect, during construction of a building or project.
- D. Signs established by, or by order of, any governmental agency.
- E. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.
- F. Flags or emblems of political, civic, philanthropic, educational, or religious organizations.
- G. Small, illuminated signs, not exceeding one and one-half (1.5) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, freight entrances and the like.

9-1.6 In the Residential Districts, the Following Regulations Shall Apply:

- A. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
- B. One temporary non-illuminated sign not to exceed sixteen (16) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.

- C. Flashing or intermittent illumination on signs is prohibited.
- D. Billboards and other advertising structures are prohibited, except certain directional signs intended to guide the general public to areas designated by the planning commission as possessing scenic, historical, or recreational value. However, such directional signs shall not exceed thirty-two (32) square feet in area.
- E. Where commercial enterprises are permitted, wall signs in compliance with Section 9-1.12.

F. Residential Districts

1. Single Family subdivision Identification Signs.

Signs that identify the name of single-family residential subdivisions, located at any street entrance to the subdivision shall be erected as follows:

- a. Number. One (1) per main entrance, not exceeding two (2) per subdivision.
- b. Type. Monument.
- c. Maximum Size and Height. Thirty-two (32) square feet in area and six (6) feet in height.
- d. Minimum Setback. Six (6) feet from any property line and outside of all sight visibility triangles.

2. Multi-Family Residential Complex Signs.

Signs that identify the name and/or address of an apartment, townhouse, condominium, or other multi-family residential complex, located at any street or private drives entrance to the complex, shall be erected as follows:

- a. Number. One (1) per main entrance, not to exceed two (2) per complex.
- b. Type. Monument or pole.
- c. Maximum Sizes and Heights
 - i. Monument Sign. Thirty-two (32) square feet in area and six (6) feet in height.
 - ii. Pole Sign. Forty (40) square feet in area and fifteen (15) feet in height with the base of the sign at least seven (7) feet above the ground.
- d. Minimum Setback
 - i. Monument Sign. Six (6) feet from any property line and outside of all sight visibility triangles.
 - ii. Pole Sign. Ten (10) feet from any property line.

3. Churches. Public and Private Schools and Places of Public Assembly.

Signs that identify the name of the facility may be located as follows:

- a. Number. One sign per road frontage does not exceed two (2) per facility.

- b. Type. Monument or Pole.
- c. Maximum Size and Height.
 - i. Monument Sign. Thirty-two (32) square feet in area and six (6) feet in height.
 - ii. Pole Sign. Forty (40) square feet in area and fifteen (15) feet in height with the base of the sign at least seven (7) feet above the ground.
- d. Minimum Setback.
 - i. Monument Sign Six (6) feet from any property line and outside of all sight visibility triangles.
 - ii. Pole Sign. Ten (10) feet from any property line.

9-1.7 In all Commercial and Industrial Districts, the Following Regulations Shall Apply:

Business signs within Commercial and Industrial Districts shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form, and proportion. The display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification. Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

- A. Commercial district signs. Within the C-1, C-2, and C-3 districts, the following standards for signs shall apply:
 - 1. Accessory business and civic signs are permitted and shall be either wall or projecting signs, except as set forth in Subsections 4, 5, and 6 below. All other sign types are prohibited.
 - 2. A use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
 - a. Such sign shall not exceed forty (40) square feet in display surface area.
 - b. Such sign shall not project into the public right-of-way unless approved by the Board of Appeals.
 - c. Such sign shall not exceed fifteen (15) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.
 - d. Such sign shall clear the established grade by a minimum of ten (10) feet.
 - e. The copy information shall be limited to the identification of the owner, address, name, and/or principal activity conducted on the premises.
 - 3. Wall signs are permitted subject to the following standards:
 - a. Such sign shall not exceed seventy-five (75) square feet in display surface area.

- b. Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
 - c. Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.
 - d. Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.
 - e. Such sign shall not cover or interrupt major architectural features of the building.
 - f. If a use utilizes both wall and projecting signs, the total display surface area shall not exceed seventy-five (75) square feet.
 - g. The copy information shall be limited to the identification of the owner, address, name, and/or principal activity conducted on the premises.
4. If a use on a lot is set back from the public right-of-way a minimum of thirty (30) feet and has off-street parking, then such use may utilize one (1) ground or pole sign subject to the following standards. All other signs on the same lot shall be wall signs.
 - a. Such sign shall have a maximum display surface area of seventy-five (75) square feet. The maximum display surface area for all signs on the same lot shall be one hundred twenty-five (125) square feet.
 - b. The maximum height of a pole sign shall be fifteen (15) feet and of a monument sign six (6) feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed six (6) feet in height to a maximum of eight (8) feet.
 - c. The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display of sixty (60) percent of the allowable area.
 - d. Such sign shall be set back from the right-of-way a minimum of six (6) feet for monument signs and ten (10) feet for pole signs.
5. A commercial complex of two (2) or more acres, which is set back from the right-of-way a minimum of thirty (30) feet and has off-street parking may utilize the following provisions:
 - a. A commercial complex may be allowed one (1) pole or ground sign for each street frontage identifying the name of the complex or business. In

the event a street frontage is in excess of two hundred fifty (250) feet in length, one (1) additional such sign shall be permitted. The maximum size of each such sign shall be a ratio of 1/2 to 1 of square footage of sign area to the length of the street frontage or the front facade of the building, whichever is greater, with a maximum sign area of one hundred (100) square feet. Such sign shall not exceed fifteen (15) feet in height or the height of the building, whichever is less, if a pole sign; or six (6) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of eight (8) feet. In the event the above ratio results in a sign less than seventy-five (75) square feet in size, then a minimum size sign of seventy-five (75) square feet shall be permitted.

- b. Additional signage may be permitted on the building(s) within the complex and shall be allowed as either wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed five (5) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.
- c. In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (a), above.
- d. A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed twenty (20) square feet and the maximum height shall be six (6) feet.

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

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

B. Industrial district signs. Within the 1-1, 1-2 and 1-3, districts, the following standards for signs shall apply:

- 1. Accessory business and civic signs are permitted as follows:

- a. A use on a lot shall be permitted to have one (1) ground or pole sign per street frontage. The maximum display surface area shall be seventy-five (75) square feet. The maximum display surface area for all signs on the same lot shall be one hundred sixty (160) square feet.
 - b. The maximum height shall be fifteen (15) feet for a pole sign and six (6) feet for a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed six (6) feet in height to a maximum of eight (8) feet.
 - c. Such sign shall be set back from the right-of-way a minimum of six (6) feet for monument signs and ten (10) feet for pole signs.
 - d. The number of signs permitted on a sign structure shall be limited to one (1) sign except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of fifty (50) percent of the allowable sign area.
 - e. In addition to the signage permitted above, a use of a lot shall be allowed to have wall signs or signage painted on glass at the entrance to the building. Wall signs shall be subject to the standards contained in section A, 3 above.
2. For those business or uses located at the Interstate interchanges and arterial highways, the following additional provisions shall apply:
 - a. The maximum height for a pole sign shall be one hundred (100) feet.
 - b. The maximum display surface area for a pole sign shall be one hundred (100) square feet. The maximum display surface area for all signs on the same zone lot shall be one hundred seventy-five (175) square feet.
 3. This section shall apply only to those users engaged in the retail petroleum and petroleum products business. The following additional provisions shall apply. Each such use shall be permitted:
 - a. One (1) permanent price sign per street frontage. Such sign shall not exceed sixteen (16) square feet in size and shall not identify more than three (3) products. Such sign shall be setback from the right- of-way a minimum of ten (10) feet and shall be no closer than thirty (30) feet from any street intersection.
 - b. Two (2) non-illuminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street.
 - c. Federal and State stamps, octane ratings, pump use directions, prices, and no smoking signs as required by Federal, State, and local authorities. Such signs shall be located on the body of the pump.
 4. This section shall be applicable only to movie houses or theaters. The following

additional provisions shall apply:

- a. In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.
 - b. Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of seventy-five (75) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).
5. Signs may be illuminated subject to the standards as specified in Section 9-1.7, A, 0.
6. Interstate off-site advertising signs may be permitted only within the C-1, I-1 and I-2, districts, along the interstate, highway corridors, and oriented thereto and subject to the following standards.
- a. All off-site advertising signs shall be free-standing and mounted upon a single support pole and shall not be double stacked or constructed side by side except as a "Special Exception" as approved by Board of Zoning Appeals.
 - b. The maximum display surface area shall be six hundred seventy-five (675) square feet.
 - c. An off-site advertising sign shall not be located on the same lot as any other use.
 - d. No advertising sign shall be located on or extend across any public right-of-way.
 - e. The minimum distance between off-site advertising signs located along and oriented toward the same public street shall be one thousand (1,000) feet and shall be applied as follows:
 - i. The spacing requirements shall be applied separately to each side of a public street.
 - ii. The spacing requirements shall be applied continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street.
 - f. No off-site advertising sign shall be located closer than five hundred (500) feet from any other such sign regardless of location or orientation.
 - g. The maximum height of advertising signs shall be fifty (50) feet above the elevation of the pavement nearest the sign.
 - h. All billboards shall not be located a minimum of 500 feet from the

structure on the lot.

- i. No advertising sign shall be located closer than five hundred (500) feet from any property zoned residential or agricultural.
7. General off-site advertising signs may be permitted within any commercial or industrial district subject to the following standards:
- a. The maximum display area shall be seventy-five (75) square feet. These signs shall be limited to a maximum height of fifteen (15) feet with a minimum of ten (10) feet from the ground to the bottom of the sign face except for monument signs.
 - b. An off-site advertising sign shall be setback a minimum of ten (10) feet (except for monument signs which shall have a six (6) foot setback) from any public right-of-way. This distance is measured from the leading edge of the sign.
 - c. All off-site advertising shall be no closer than one thousand (1,000) feet from any other off-site sign, measured along the road right-of-way.
 - d. All off-site signs shall be at least one hundred (100) feet from any agricultural/residential district or two hundred-fifty (250) feet from any residential district along the same side of the road.
 - e. All off-site signs must meet the minimum side or rear setbacks for the district in which they are located.
 - f. Off-site signs erected or placed on developed lots must maintain a spacing of one hundred (100) feet from any permanent freestanding sign.

9-1.8 Temporary sign provisions.

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

A. General requirements.

1. All temporary signs are required to obtain a yearly permit to place one (1) temporary sign on a parcel or lot. Each permit shall be issued for a twelve (12) month period to be renewed in the first month of each year. These permits will be twenty-five dollars (\$25.00) to assist in the cost of administration of these regulations.
2. Banners may be used as temporary signs.
3. All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
4. No temporary sign shall be displayed on the roof.
5. No temporary sign shall be permitted to project into or over any public street right-of-way.
6. Temporary signs are permitted at construction sites for the purpose of identifying the names of contractors and consultants.

B. Display surface area, height and illumination.

1. The maximum display surface area shall be thirty-two (32) square feet.
2. Maximum height shall be ten (10) feet.
3. Temporary signs shall not be illuminated except in commercial or industrial districts.
4. No sign shall flash or pulsate in any way.
5. Any sign that is lighted shall be in compliance with the City of Adams' building code .

C. Location of temporary signs.

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

9-1.9 Nonconforming and Noncomplying Sign Provisions

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

- A. Removal of temporary nonconforming signs. Nonconforming portable and hand tacked signs and signs in a public right-of-way shall be removed within forty-five (45) days. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.
- B. Alterations to nonconforming and noncomplying signs. A nonconforming or noncomplying sign may be altered subject to the following conditions.
 1. The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its depreciated value.
 2. The total copy of an advertising sign may be changed in accordance with normal business practices.
 3. The proposed alteration conforms to the provisions of this zoning ordinance.
 4. No new nonconformance or noncompliance is created.
- C. Damage or destruction of nonconforming and noncomplying signs. When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this zoning ordinance. Except that any

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

9-1.10 In the General Floodplain District, the Following Regulations Shall Apply

- A. There shall be permitted for public parks, playgrounds, and other outdoor recreational uses, signs not exceeding thirty-two (32) square feet in area.
- B. Flashing or intermittent illumination is prohibited.
- C. Billboards and other outdoor advertising structures are prohibited.

ARTICLE X EXCEPTIONS AND MODIFICATIONS

SECTION

10-1 Scope

10-2 Nonconforming Uses

10-3 Bulk And Lot Size Noncompliance

10-4 Exceptions To Height Limitations

10-5 Lots Of Record

10-6 Exceptions To Setback Requirements

10-7 Absolute Minimum Lot Size

10-1 Scope

ARTICLE X, of this Ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article VI (Zoning Districts) and Article VIII (Floodplain Regulations)

10-2 Nonconforming Uses

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

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

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

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

10-2.1 Provisions Governing Nonconforming Uses

A. Applicability

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

B. Construction or Use Permit Approved Prior to Ordinance Adoption

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

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

C. Repairs and Alterations

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

D. Zone Lot Containing Nonconforming Use

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

E. Continuation of Nonconforming Use

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

F. Change of Nonconforming Use

1. General Provisions

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

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

2. Land with Incidental Improvements

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

3. Nonconforming to Conforming Use

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

G. Expansion of Nonconforming Uses

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this Ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

3. Adequate Space for Expansion

No expansion or any nonconforming use shall infringe upon or increase the extent of any infringement existing at the time of adoption of this Ordinance, upon any open space required by this Ordinance. All required yard setback requirements must be adhered to in any such expansion project.

4. Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

5. Expansion upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Section 7-2.

H. Damage or Destruction

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this Ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance

of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

2. Change in Use Prohibited

No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Section G, above) to other than a permitted use.

3. Land with Incidental Improvements

In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this Ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

4. Infringement upon Open Space Restricted

No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this Ordinance.

5. Reconstruction of Flood Damaged Property

The provisions of Section 10-3 shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within a floodway district.

I. Discontinuance

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

10-3 Bulk and Lot Size Noncompliance

A. General Provisions

The provisions of this article shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

B. Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this article.

C. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 10-3, D, through 10-3, F.

D. Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

E. Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of thirty-five hundred (3,500) square feet, which before conversion required a lot area of five thousand (5,000) square feet and was, therefore, deficient by fifteen hundred (1,500) square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five thousand (5,000) square feet).

F. Damage or Destruction of Noncomplying Uses

A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion, thereof.

10-4 Exceptions to Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Heights exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the Planning Commission.

10-5 Lots of Record

The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this Ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger

tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

10-6 Exceptions to Setback Requirements

The front setback requirement of this Ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

10-7 Absolute Minimum Lot Size

In no case shall the Building Official or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments.

ARTICLE XI ADMINISTRATION AND ENFORCEMENT

SECTION

- 11-1 Zoning Administration**
- 11-2 The Enforcement Officer**
- 11-3 Zoning Compliance Permit**
- 11-4 Temporary Use Permi**
- 11-5 Certificate Of Compliance/Occupancy**
- 11-6 Board Of Zoning Appeals**
- 11-7 Variance Procedure**
- 11-8 Special Exception Procedure**
- 11-9 Amendments To The Zoning Text**
- 11-10 Amendments To The Zoning Atlas (Map)**
- 11-11 Liability Of Board Member And Employees**
- 11-12 Remedies**
- 11-13 Separability**
- 1-14 Interpretation**
- 1-15 Effective Date**

11-1 Zoning Administration

Except as, otherwise, provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

11-2 The Enforcement Officer

Primary responsibility for administering and enforcing this Ordinance may be assigned to one (1) or more individuals by the Chief Administrative Officer. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the "Zoning Administrator". The term "Staff" or "Planning Staff" is sometimes used interchangeably with the term "Zoning

Administrator" hereafter referred to as the Administrator. Any function or responsibility assigned by this Ordinance to the Administrator may be delegated by such person to another employee or agent acting under the Administrator's control or at his direction, unless such delegation is prohibited.

The Administrator shall enforce, conduct reviews, ensure zoning compliance, and manage the development approval procedures set forth in this article for Adams, Tennessee.

A building permit and a certificate of occupancy are required for uses permitted by right, under prescribed conditions, or subject to an approved conditional district or special use permit, and all uses and structures accessory thereto.

A certificate of occupancy is required for changes in the use of property. Zoning compliance, under these regulations, is required for the issuance of building permits, certificates of occupancy, sign permits, and zoning use permits.

11-3 Zoning compliance permit (building permits)

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including expansion, including accessory structures, to use a building or structure, or to commence the filling of land without a permit therefore, issued by the Building Official (Building Inspector).

No Building Permit shall be issued by the Building Official (Building Inspector) except in conformity with the provisions of this Ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this Ordinance.

A. Application for a Building Permit

Application for a Building Permit shall be made in writing to the Zoning Administrator on forms provided for that purpose. Applications for Building Permits will be accepted only from persons having legal authority to act in accordance with the permit. In general, this means that the application should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons. The Zoning Administrator may require an applicant to submit evidence of his authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority.

All applications shall be complete before the Zoning Administrator is required to consider the application. It is not necessary that the application contain construction drawings to determine compliance with all the requirements of this ordinance, so long as the plans provide sufficient information to allow the Zoning Administrator to evaluate the application in light of the substructure requirements set forth in this ordinance.

B. Site Plan Requirements

Site plans containing the information required for the particular use by this section must be submitted to the Building Official at the time of an application for a building permit. It

is specifically anticipated that the approval process for one and two-family detached houses shall be administratively approved by the Building Official. All other uses shall only be approved in the manner set forth in Article XI (11), 3.1,D.

C. Site Plans Required for One-and-Two-Family Detached Houses and Individual Mobile Homes:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
3. The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.
4. The size and location of all yards and open areas required by this ordinance.
5. The dimension and location of all public water and sewer lines from which the property is to be served.
6. The location and approximate dimension of all points of access to a public street or road.
7. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
8. Where subsoil sewage disposal is anticipated, certification from TDEC or the Robertson County Environmental Office approving the lot for such use.
9. Proof of applicants review with the local Postmaster for mail delivery installations.

D. Site Plans Required for All Other Buildings and Activities

This procedure is to be utilized for all buildings and activities except those subject to the provisions Article XI (11), Section 11.3 E. Unless, otherwise, specified, the reviewing agency shall be the Adams Planning Commission. Proposals for multi-family developments and mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the Planning Commission. The specific requirements to be shown on such site plans are:

1. General Location Sketch Map at a scale not smaller than 1"=2,000', showing:
 - a. The approximate boundaries of the site.
 - b. External public access streets or roads in relation to the site.
 - c. Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
 - d. Any public water and sewer systems in relation to site.
2. Site plan drawn at a scale no smaller than 1"=100' showing:
 - a. The actual lot drawn with all dimensions along with the dimension of all rights-of-ways and easements adjacent to the property.

- b. The shape, size, and location of all existing buildings or other structures on the lot.
- c. The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
- d. Site topographic features showing both existing and proposed contours at a vertical, interval, no greater than two (2) feet.
- e. Location of all driveways and entrances.
- f. Location of all accessory off-street parking areas provided to serve use; all spaces shall be delineated on the plan showing the dimensions of all spaces along with traffic aisles.
- g. Any required off-street loading areas with adequate space to access into and out of the berths.
- h. Landscaping plan for the site showing all required landscaping and for Planned Unit Developments the existing trees on the site.
- i. Plans for the buildings to be constructed showing building elevations, exterior materials and building heights.
- j. Proposed ground coverage recap of the site including floor area of the building, square footage of all impervious areas and amount of open space provided.
- k. Location of all areas designated for solid waste along with a sketch of the proposed screening for the area.
- l. Location and dimensions of required buffer along with a cross section of buffer with the type of planting specified. In the advent that a fence or wall is proposed in lieu of a buffer the location of the fence shall be shown along with a sketch of the proposed fence or wall.
- m. A site grading and drainage plan showing all on site structures, discharge points and the effect on adjacent properties and drainage ways. The location of any area subject to flooding mapped or unmapped shall be shown on the plan.
- n. Site utility plan to serve the proposed site.
- o. Show location, type, and size of proposed signs.

E. Site Plan Exempt from Planning Commission Approval Requirements

Building additions and accessory buildings 500 square feet or less, building additions 1,000 square feet or less, that do not increase the capacity of the principal use and "Home Occupation" plans are exempt from submitting a complete site plan as required in Section 11-3.0 of this Ordinance. In lieu of a site plan the owner or developer shall submit to the Building Official a site sketch plan containing the following information.

The following information is required on a site sketch plan:

1. General location map (no scale required).
2. Map of the site drawn by a licensed surveyor or engineer showing existing or proposed plan-a-metrics in relation to property lines.
3. Proposed location of the addition or accessory structure , drawn at a scale no smaller than 1"=100' showing property lines and the outline of the existing building in this area.
4. A drainage plan will be required for any addition or accessory structure that disturbs soil structures or natural drainage areas.
5. Location and size of any public utilities in area of construction.
6. On sites located adjacent to residential areas a plan for screening and buffering will be required for commercial structures.
7. A revised ground coverage recap of the site, if existing pervious area is disturbed.

F. The Adams Planning Commission as a reviewing body may:

1. Recommend approval of the plan as submitted to the Building Official.
2. Recommend disapproval of the plan.
3. Recommend approval of the plan with conditions or recommendations for alterations.

G. Fee

The Adams City Board shall establish a schedule of fees and a collection procedure for Site Plans. The schedule of fees shall be posted in the Office of the Building Official and City Hall. Only the City Board may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

H. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Official shall issue a Building Permit for such excavation or construction. If an application for a Building permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance.

I. Expiration of Site Plan Approval:

Following the date of approval of the Site Plan, if no actual construction has begun in the development within a two-year period, then the final site plan approval shall expire, and a new approval must be sought. If the applicant satisfies these requirements, then the development standards applicable at the time of approval shall be in effect during the applicable vesting period as outlined in Section 13-4-310, Tennessee Code, and as amended, except where there is an amendment to the final site plan that meets the requirements of 13-4-310(h), Tennessee Code, and as amended, or violation of approval in accordance with 13-4-310(f), Tennessee Code.

J. Construction Progress

Any Building Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

11-4 Temporary use permits

The purpose of this permit is to authorize a specific use for a defined period of time as authorized in this Ordinance and to coordinate health, traffic, and other inspections necessary to the safe and healthful operation of the use.

- A. Application: Application for a temporary event permit shall be made to the Building Official in the time prescribed for the specific use by this Ordinance.
- B. Permit Required: A temporary permit shall be obtained for nonpermanent facilities and activities with a duration prescribed by the specific use in this Ordinance.
- C. Requirements for Permit Issuance: A temporary event permit shall not be issued until evidence is shown that the following requirements have been or will be complied with:
 - 1. An approved parking plan for the use that does not conflict with any permanent use that may be located on the property.
 - 2. Written authorization from the property owner or his agent for the event to take place.
 - 3. An approved plan for the hours of operation that meets all requirements of this Ordinance.
 - 4. Licenses and/or permits required by other agencies have been obtained prior to the issuance of the temporary event permit.
 - 5. Adequate arrangements shall be demonstrated for collection of sanitary sewage and solid waste.

11-5 Certificate of Compliance/Occupancy

No Certificate of Compliance/Occupancy shall be issued for any building, structure, or development activity not in compliance with the provisions of this Ordinance. A Certificate of Compliance shall be issued after completion of construction or alterations of such building, structure, or development activity after:

- A. Inspection by the Zoning Administrator to determine compliance with all applicable provisions of this Ordinance; and
- B. Compliance with all applicable provisions of related health, building, and fire codes.

11-6 Board of Zoning Appeals

11-6.1 Creation

An Adams Zoning Appeals is hereby established in accordance with Section 13-7-206 through 13-7-209, Tennessee Code. The City Board of Zoning Appeals shall consist of five (5) members and have jurisdiction in Adams, Tennessee.

11-6.2 Members

Members of the Board shall serve for three (3) year terms or until their respective successors are appointed and qualified, so arranged that the term of one member will expire each year. The Adams City Board may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment

All members of the Board shall serve with such compensation as may be fixed by the City Board and may be removed from membership on the Board for continued absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. Vacancies of said Board shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

11-6.3 Procedure and Rules:

All meetings of the Board of Appeals shall be held at an established location and shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact. Final disposition of business before the Board shall be recorded in the minutes, indicating the testimony before the Board therefore, all of which shall become a part of the public record.

No discussion or action on a case shall be taken unless a quorum of the membership is present and voting. The Board shall operate under a set of rules of procedure adopted by the membership.

The board may call upon any other office or agency of the county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the board as may be reasonably required.

The Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.

Any officer, agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by State law.

Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.

At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

Every application for a hearing before the Board of Zoning appeals shall pay a fee as established by the Adams City Board to assist in covering the cost of review, processing, advertising and administration of each case. The applicant shall also be responsible for obtaining a notification

sign from the Planning Office and placing it on the property fifteen (15) days prior to the hearing by the Board of Appeals.

11-6.4 Appeals to the Board

An appeal to the Adams Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by a decision of the zoning administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds, thereof of the appeal. The zoning administrator 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 application or appeal; shall give at give at least fifteen (15) days notice of the time and place of the hearing in a newspaper of general circulation in Robertson County and to the parties in interest and adjacent property owners. At the hearing, any person or party may appear in person, by agent, or by attorney.

11-6.5 Powers of the Board

The Board of Zoning Appeals shall have the following powers:

- A. Administrative Review: To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirements, permit, decision, determination, or refusal made by the Building Official (Building Inspector) or other administrative official in the carrying out or enforcement of any provisions of this Ordinance.
- B. District Boundary Determination: To determine the location of zoning district boundaries, when it is alleged that an error, an omission or other condition has resulted in an indeterminate boundary condition.
- C. Special Exceptions: To hear and decide in accordance with the provisions established in this Ordinance requests for special exceptions for which the Board of Appeals is authorized to consider.
- D. Variances: To hear and decide applications for variances from the terms of this Ordinance, where by reason of exceptional narrowness, or shape of a specific piece of property at the time of the enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of such of such regulation will result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner in meeting the requirements. Such relief may be granted, provided that the granting of such relief without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Plan and Zoning Ordinance.

11-6.6 Stay of Proceedings:

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which

may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Administrator, and on due cause shown.

11-6.7 Liability of Board Members, Zoning Administrator and Employees

Any board member, Zoning Administrator, or other employee charged with the enforcement of this ordinance, acting for Adams within the scope of the responsibilities assigned them under this ordinance shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, Zoning Administrator, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the City of Adams until the final termination of such proceedings.

11-6.8 Right of Entry Upon Land

Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys.

11-6.9 Rehearings

- A. No rehearing of the decision by the Board shall be had except:
 - 1. On motion to reconsider the vote; or
 - 2. On a written request for a hearing.
- B. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may, by Ordinance in each case, stipulate.
- C. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.
- D. No rehearing for a variance shall be granted to an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

11-6.10 Court Review

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Appeals may appeal the same to the Chancery Court of Robertson County. If upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a reference to take such evidence as it may direct. This evidence shall be reported to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

11-7 Variance Procedure

The purpose of this procedure is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using their property under this ordinance.

11-7.1 Petition for Appeal or Variance

An appeal may be initiated by any aggrieved party or by any officer of the City.

A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

11-7.2 Filing of Notice of Appeal

A notice of appeal shall be filed with the Zoning Administrator or designated staff contesting any order, decision, determination, or interpretation within thirty (30) working days of the day the order, decision, determination, or interpretation is made or rendered by an administrative officer. The Board of Appeals may waive or extend the thirty (30) day deadline only upon determining that the person filing the notice of appeal received no actual or constructive form of notice of the order, decision, determination, or interpretation being appealed. The notice filed with the Zoning Administrator or designated administrator shall be accompanied by a nonrefundable filing fee as established by the City Board and a list of adjoining properties including tax parcel numbers and the name and address of each owner. Failure to file timely notice and fee shall constitute a waiver of any rights to appeal under this chapter.

Upon receipt of a notice of appeal the Zoning Administrator or administrative officer shall transmit to the Chairman of the Board of Appeals copies of all administrative papers, records, and other information regarding the subject matter of the appeal.

The filing of such notice shall stay any proceedings in furtherance of the contested action, except the Zoning Administrator may certify in writing to the Board of Appeals that because of facts stated in the certificate, a stay imposes an imminent peril to life or property or would seriously interfere with the enforcement of these regulations. The Board of Appeals shall then review such certificate and may override the stay of further proceedings.

11-7.3 Filing a Variance Petition

A petition for variance, in the form prescribed by the Board of Appeals, shall be filed with the Zoning Administrator or designated administrator, accompanied by a non-refundable filing fee as established by the City Board and a list of adjoining properties including tax parcel numbers and the name and address of each owner.

11-7.4 Notice and Hearing

The Board of Appeals shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition that comes before it.

The Board of Appeals shall, prior to the hearing, mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property adjacent to the subject property.

11-7.5 Standards for Granting an Appeal

The Board of Appeals shall reverse or modify the order, decision, determination, or interpretation under appeal only upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.

In modifying the order, decision, determination, or interpretation, the Board of Appeals shall have all the powers of the officer from whom the appeal is taken.

11-7.6 Standards for Granting a Variance

The Board shall not grant a variance except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. Before granting a variance, the Board of Appeals shall have made the following findings:

- A. That practical difficulties or unnecessary hardships, as defined in subparagraph 2) below, would result from the strict application of these regulations; and
- B. That the variance is consistent with the objectives and policies of any adopted plan for the district or area covering the property, any other adopted written policies governing land development, and the construction and improvement of public facilities, and the general intent of these regulations; and
- C. That the public safety and welfare have been protected and substantial justice done.
- D. Only the following three conditions shall constitute a practical difficulty or unnecessary hardship and all must be met:
- E. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and
- F. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties classified in the same zoning district and/or used for the same purposes; and
- G. The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

The Board of Appeals shall not grant a variance which would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension of a nonconforming use, or would change the zoning classification of any or all of the subject property. The existence of a non-conforming use of neighboring land, buildings, or structures in the same district or of permitted or non-conforming uses in other districts shall not constitute sufficient reason for granting the requested variance.

The fact that property may be utilized more profitably will not be considered adequate to justify the Board of Appeals in granting a variance.

11-7.7 Action by the Board of Appeals

The concurring vote of majority of the members present and voting shall be necessary to grant an appeal or request for a variance. The Board of Appeals shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by recording in the minutes of the meeting the reasons that the Board of Appeals used and the findings of fact and conclusions of law made by the Board of Appeals to reach its decision.

11-7.8 Effect of Variance, Reversal or Modification of Administrative Decision

After the Board of Appeals approves a variance, or reverses or modifies an order, decision, determination, or interpretation of an administrative officer, the appellant or petitioner shall be responsible for obtaining a building permit and/or certificate of occupancy, as applicable, in order to proceed with development of the subject property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the variance, reversal, or modification granted to the appellant or petitioner by the Board of Appeals.

11-7.9 Rehearing

The Board of Appeals shall refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

11-7.10 Appeal from Board of Appeals

A written copy of the Board's decision shall be delivered to the appellant either by personal service or by certified mail. Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or the City of Adams, may appeal the decision of the Board within thirty days after said decision is filed at City Hall or after a written copy thereof is delivered to the appellant, whichever is later. Appeal shall be in the form of a petition for review to the Chancery Court.

11-8 Procedure For Authorizing Special Exception

11-8.1 Purpose

This section provides the standards and procedures for locating uses that may be compatible with the purpose and intent of a given zoning district, but nonetheless have the potential for substantial impacts on other uses permitted in the same zoning district and the surrounding area. In order to ensure that these uses would not be detrimental to surrounding development, and in keeping with the purposes of the district in which they are proposed to be placed, they are not allowed to be established as a matter of right. Such uses may be established only after a review of the specific proposal and approval of a Special Exception Permit.

11-8.2 Application

A request for a Special Exception Permit will be considered only if requested by the owner or an authorized agent of the property owner. Applications for all Special Exception Permits or amendments to any approved special use permit must be filed in the office of the Zoning Administrator, accompanied by a fee established by the City Board. Such application must

include documentation as required by subparagraph A (below) and as may be required by subparagraph B (below).

A. Application Content:

A petition requesting a special use permit must be accompanied by a site plan, drawn to scale, and any necessary supporting text, which shall include all data specified in subparts (1 through 14) below. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the Zoning Administrator may waive individual items.

1. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;
2. Existing topography and the general nature of the proposed topography at five (5) foot contour intervals or less;
3. All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
4. Number and general location of proposed structures;
5. Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
6. All yards, buffers, screening, and landscaping required by these regulations;
7. Any proposed screening, buffers, and landscaping over and above that required by this Ordinance, as well as proposed treatment of any existing natural features;
8. All existing and proposed points of access to public streets; the location of proposed new streets;
9. Delineation of areas within the regulatory flood plain as shown on the Official Flood Maps;
10. Proposed number and location of signs;
11. Proposed phasing, if any, and approximate completion time for the project;
12. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development, for evaluation by the Planning Commission's consulting engineer;
13. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
14. A listing of adjoining properties including tax parcel numbers and the name and address of each owner provided in digital form if possible.

B. Additional Information:

In the course of evaluating the proposed use, the Zoning Administrator, Planning Commission or Board of Appeals may request additional information from the petitioner.

Such requests shall stay consideration of the special use permit by the Planning Commission or Board of Appeals. Information requested may include the following:

1. The location of significant trees on the petitioned property;
2. Scale of buildings relative to adjoining properties, including sight lines;
3. Height of structures;
4. Exterior features of proposed development;
5. Any other information needed to demonstrate compliance with these regulations.

C. Plans Part of Application:

The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the Special Exception Permit application for all purposes under these regulations.

D. Copies of Petition:

The Zoning Administrator shall determine the number of copies of each petition and accompanying documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment.

11-8.3 Withdrawal or Amendment of Special Use Permit Application

An application for a Special Exception Permit may be withdrawn or amended in the same manner as a proposed amendment to the zoning map, following the procedures of Section 11-7.2, (Application).

11-8.4 Hearing, Findings, Recommendation and Decision

A. Hearing:

1. A Special Exception Permit hearing will be conducted as a quasi-judicial hearing before the Board of Appeals.
2. The applicant has the burden of producing competent, material, and substantial evidence establishing that:
 - a. The proposed special use will comply with all of the lot, size, yard, and other standards established by this Ordinance which applies to all uses permitted in the zoning district in which the property is located; and
 - b. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a Special Exception Permit for this use.

B. Required Findings:

The Special Exception shall be granted by the Board of Appeals when each of the following findings has been made:

1. That the use will not materially endanger the public health or safety if located where proposed;
2. That the use will meet any restrictions imposed pursuant to Section 11-7.6

(Greater Restrictions);

3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs. If the Board of Appeals does not make these findings, and then the Special Exception Permit shall not be granted.

C. Recommendation and Decision:

1. In considering an application for a Special Exception, the Planning Commission in an advisory capacity and the Board of Appeals, in a decision making capacity, shall consider, evaluate and may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community.
2. Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Board of Appeals may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the Board of Appeals.

11-8.5 Effect of Approval or Denial of Permit:

A. Effect of Approval

Approved applications for a special use permit along with all conditions which may be attached to the approval are binding on the property. Unless terminated by procedures established Section 11-7.11 (amendment to an Approved Special Exception Permit), below, all subsequent development and use of the property must be in conformance with the special use permit and all plans, specifications, and conditions.

B. Effect of Denial:

1. If an application for a special use permit is denied by the Board of Appeals, a reapplication for that special use on that property may not be instituted within one year of the date of denial.
2. The Board of Appeals may allow re-submission of the application within the one-year restricted period if it determines that, since the date of action on the prior application, one of the following criteria has been met:
 - a. The Board of Appeals has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the special use permit should be developed; or
 - b. Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve

the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed special use permit; or

- c. There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on resubmission of a special use permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.

11-8.6 Greater Restrictions:

In granting a Special Exception, the Board of Appeals may impose more restrictive requirements, as it may deem necessary in order that the purposes and intent of this Ordinance are served.

11-8.7 Permit Perpetually Binding:

Unless expired or discontinued, any Special Exception Permit so authorized shall be perpetually binding upon the property unless subsequently changed or amended as provided for in this Article, or until a use otherwise permitted in the zoning district is established.

11-8.8 Compliance with Approved Permit:

No permit shall be issued for any development activity on property subject to a Special Exception Permit except in accordance with the approved Special Exception Permit.

11-8.9 Submission of Site Plans:

Site plans for any development made pursuant to any Special Exception Permit shall be submitted for review in the same manner as other development plans required by this Ordinance.

11-8.10 Minor Modifications:

In accordance with Section 11-8.0 (Minor Modifications of Conditions in Conditional Zoning Districts) the Planning Commission may approve minor modifications of the conditions in the Special Use Permit where such modifications will result in equal or better performance, provided that the objective and purpose of the requirements and conditions of the Special Use Permit are maintained.

11-8.11 Amendment to an Approved Special Use Permit:

- A. The owner of property which is subject to an approved special use permit may petition for an amendment of the special use permit and accompanying conditions by following the procedures applicable to initiation of new special use permits.
- B. Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the present standards and requirements in this zoning ordinance.
- C. The Board of Appeals may change or amend a Special Exception Permit in the same procedure as that required for the original issuance of the Special Exception Permit. No

proposal to change or amend any Special Exception Permit shall be considered within one (1) year after the date of the original authorization of such permit, or within one (1) year after the hearing of any previous proposal to change or amend such permit.

11-8.12 Violation of Permit Conditions:

Any violation of a condition in an approved Special Exception Permit shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. The Board of Appeals may, after a hearing, revoke such permit on all or part of a development if it finds that the violation was intentional, was continued for an unreasonable time, or was substantially inconsistent with the purposes of the zoning district.

11-8.13 Expiration or Discontinuance:

A. Expiration of Permit:

Authorization of a Special Exception shall be void after two (2) years or such lesser time as the authorization may specify unless use of the property has begun and/or a footing inspection has been passed.

B. Discontinuance of Permitted Activity:

If any special exception is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Special Exception Permit shall be null and void and of no effect. The owner shall demonstrate that the special use has not been discontinued for a period exceeding eighteen (18) months or has not been replaced by a use otherwise permitted to maintain a valid Special Exception Permit.

11-8.14 Appeals:

Any petition for court review shall be filed with the court clerk within thirty (30) days after a written copy of the decision of the Board of Appeals is filed in the office of the Zoning Administrator and delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later.

11-8.15 Recognition of Previously Approved Special Exceptions:

Special Exceptions which have been previously granted by the Board will be recognized for building permit and other administrative purposes for three (3) years following adoption of this Ordinance. If after three (3) years construction of the development has not begun or there is no valid building permit in effect for the property, the special exception will be considered null and void. If a use approved as a special exception becomes nonconforming and discontinues operation for six (6) consecutive months, the use may not be resumed nor a building permit issued without approval of the appropriate zoning classification and Special Exception Permit required under the provisions of this ordinance.

11-9 Amendments To The Zoning Text

The approval of text amendments by the City board shall be preceded by a finding that a change meets the needs for one of the following reasons:

- A. The use desired is not covered in the text of the Ordinance but is acceptable because:
 - 1. The use proposed is in accordance with the purpose of the zoning district; and,
 - 2. There are similar uses in the district; and,
 - 3. The intensity of use proposed is consistent with other uses in the district. In demonstrating this, building volume ratios, site volume ratios, and landscape volume ratios of the proposed use and existing uses that are shall comparable. The County Board of Commissioners, upon recommendation by the Planning Commission, shall adjust the intensity, landscaping, and other criteria to ensure that consistency is maintained within the district.
- B. New conditions have arisen that have not been addressed in the Ordinance. These new conditions must be one of the following:
 - 1. The Growth Plan has been amended, and the Zoning Ordinance needs to be brought into conformity with the Plan.
 - 2. Changing market or other conditions require new forms of development or new procedures to meet these changing needs.
 - 3. New methods of development or providing infrastructure make it necessary to alter the Ordinance to meet these new conditions.
 - 4. Changing governmental finances requires amending the text of the Ordinance to be in keeping with the needs of government to provide and afford new public services.
- C. After experience with the regulations, adjustments are needed to achieve the desired objectives. The amendment request must come either from staff recognized problems that need to be corrected or from developers or others experiencing trouble making the regulations work.

11-10 Amendments To The Zoning Atlas (Map)

11-10.1 General:

Zone boundaries as shown on the Official Zoning Atlas (Map) may be amended, supplemented, changed, modified, or repealed according to the provisions of this Ordinance by the Adams City Board.

The approval of zoning map amendments by the City Board shall be preceded by a finding that the request meets one of the following requirements:

- A. The Growth Plan has been amended and the Zoning Atlas (Map) needs to be brought into conformance with the revised plan; or,
- B. A mistake was made in mapping the original Map. That is, an area is, and has been, developing in a manner and purpose different from that for which it was mapped. It must also be demonstrated that this result was not intended, since the County may have intended to stop an undesirable land use pattern from spreading; or,
- C. Conditions have changed, such as new roads or utilities investments, making another location more favorable for development; or,

- D. Growth rates have changed, thereby increasing the need for additional development land in the City.
- E. Public necessity, convenience, general welfare, or good zoning practice requires that a change be made.

11-10.2 Procedure for map amendments:

A. Applications:

1. Applications for any change, either of district boundaries or classification of property as shown on the Zoning Map, shall be submitted to the Adams Planning Commission at its public office. Applications shall be on such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record.
 - a. Any person or persons desiring a change in the zoning classification of property shall file with the application a statement giving the names and addresses of adjacent property owners to the Planning Commission.
 - b. Each application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application.
2. Applications for zoning map amendments are to be submitted on forms provided by the Planning Office.
3. Applications for either map or text amendments shall not be withdrawn from consideration by the Planning Commission after notice has been given as required by Subsection D.

B. Documents:

Each application for rezoning shall include the following information:

1. A letter from the owner stating the zoning district being requested and the reason the zoning map amendment is requested.
2. The name and address of the owner of the property at the time the application is being submitted along written designation of any person being designated by the owner to represent the request.
3. Written legal description of the area to be rezoned including the tax map and parcel number. A digital copy of the legal description in Microsoft Word shall be provided to the planning office a minimum of two (2) weeks prior to the request being considered by the Planning Commission. A printed copy of the legal description can be omitted if the digital copy is presented with the application.
4. All applications for developments that will require any water utility development (including fire hydrants) shall provide the following information:
 - a. Applicant shall provide to the Planning Commission at the time the zoning district amendment is requested, information from the water utility

information on the size of the water line and whether adequate pressure exists for the placement of fire hydrants on the line.

- b. In the event that an adequate water supply does not exist to provide flows for fire hydrants, the developer shall provide documented information from the water utility that they can provide adequate flows to serve a "Residential Sprinkler System" or that improvements to the existing system are feasible.
 - c. Any zoning request or proposed subdivision that will create only two (2) new lots on tracts, where further subdivision is not possible are exempt from this requirement, except for subdivisions of a previously divided large tract or five (5) acre developments.
 - d. The subdivision or re-subdivision creates no additional building lots or tracts are exempt from the requirement.
 - e. Subdivisions where there are existing principal structures on all lots are exempt from this requirement.
 - f. Any area without adequate water pressure to support a fire hydrant or a residential sprinkler system will not be recommended for residential or a higher density zoning or be approved as a subdivision.
5. When deemed necessary by the Planning Commission a "Traffic Impact Study" will be required or for residential zoning requests that could allow more than seventy-five (75) lots or for commercial industrial requests exceeding forty (40) acres.
 6. A list of the names and address of all adjacent property owners including those on the opposite side of the road from the applicant's property.
 7. Applicant shall submit survey map of the area being requested for a zoning map amendment. This survey map shall be at a scale of no less than 1"=100' and no larger than 1"=30" feet. The use of smaller scales for large tracts is permissible provided the scale is approved by the Planning Office prior to submittal. first The first submittal shall include, five (5) full sized copies and the second submittal requires, fifteen (15) copies (five (5) full size copies and ten (10) reduced 11" x 17" copies). The survey map for zoning map amendments shall include the following:
 - a. A survey map with a title, north arrow, graphic scale, date of the survey map, civil district, tax map and parcel number and the acreage of the property. If the entire parcel is not requested for a zoning change then the acreage of the remaining portion of the property shall be included on the map.
 - b. The exact boundary of the as determined by a field survey or other means giving angles to the nearest minute and distances to the nearest one hundredth (1/100) of a foot.
 - c. Location, names and existing public right-of-way of all public roads that the property fronts on.

- d. The location and width of any existing utility, drainage, access or other private easement that exists on the property.
- e. Location and size of the water line providing service to the tract along with the location of the nearest fire hydrant.
- f. The location, size, type and current use any structure presently on the property.
- g. Names and address of all adjacent property owners including those on the opposite side of the road from the property shown in relation to the applicant's property.
- h. A notification sign shall be placed on the property a minimum of fourteen (14) days prior to the Planning Commission meeting that the item will be considered and shall remain in place until final action by the Board of County Commissioners, the notification sign will be placed on the property and removed by the staff of the Robertson County Regional Planning Commission. All tracts proposed for a zoning map amendment in addition to the notification sign shall be clearly marked with stakes or pins and flagged.

C. Fees:

Each application for an amendment to the Zoning Map shall be accompanied by either a fee in the amount established in the Planning and Zoning Fee Schedule established by the City Board of Commissioners and any additional fees that may established by the City of Adams, Tennessee. This to cover the approximate procedural and review costs of the application. Under no condition shall said fee be refunded for any reason.

D. Planning Commission Public Hearing and Recommendations:

Before submitting its recommendations on a proposed zoning map amendment to the City Board, the Planning Commission shall consider the request at a public meeting. Notice of the request for a zoning map amendment will be given to all adjacent property owners (taken from the tax rolls) by mail prior to the date of the hearing. The notice shall state the place and time of the meeting. When the Planning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the City Board and submit a report detailing the recommendations and how they meet the regulations set forth in the Zoning Ordinance.

E. City Board and Public Hearing:

After receiving the Planning Commission's certification of recommendations on a proposed amendment, but before final reading of such amendment, the City Board shall hold a public hearing.

1. Notice of the time and place of the public hearing shall be given at least fifteen (15) days prior to that date in a newspaper of general circulation in the City of Adams. In addition, notices of the date and time of the public hearing notices mailed prior to the Planning Commission meeting will include the date and time of the public hearing.

2. A sign providing notice of the time, place, and subject of the proposed amendment available through the Planning Office shall be posted by the petitioner in a prominent location on the subject property at minimum of fourteen (14) days prior to consideration by the Planning Commission.
3. Neither an application for zoning map amendment nor the recommendations of the Planning Commission shall be withdrawn from consideration of the City Board except in writing by the applicant a minimum of four (4) hours prior to the time of the meeting.

F. Decisions:

After holding the public hearing, the City Board shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective with a favorable vote by a majority of the membership present of the County Commission except in cases where the Planning Commission made a recommendation not to adopt the amendment which requires approval by a majority of the entire membership of the City Board.

G. Failure to Notify:

The intention of this Subsection is to provide due notice of proposed zoning amendments to all persons who may be interested in or affected by the changes. Failure to notify, as provided in Subsections D and E above, shall not invalidate any recommendation of the Planning Commission, provided that such failure was not intentional. The intention of this Subsection is to provide, as well as possible, due notice to persons substantially interested in a proposed change, that an application to make a change in the Zoning Maps or regulations set forth in this Ordinance, is pending before the Planning Commission.

H. Repeat Applications:

Whenever any petition for an amendment, supplement, or change of the zoning or regulations herein contained (or subsequently established) has been denied by the City Board, no new petition covering the same property for the same zoning classification can be filed with, or considered by, the Commissioners for a period of six (6) months has elapsed from the date of the original filing.

11-11 Liability Of Board Member and Employees:

Any board member, Building Official, or other employee charged with the enforcement of this ordinance, acting for the City of Adams, Tennessee or the Planning Commission, within the scope of the responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, building inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the city, until the final termination of such proceedings.

11-12 Remedies:

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this zoning ordinance, the Building Official or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

11-13 Separability:

It is hereby declared to be the intention of the City Board of Adams of Robertson County, Tennessee, that all provisions of this ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this ordinance invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

11-14 Interpretation:

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other resolution, the provisions which are more restrictive shall govern.

11-15 Effective date:

This Ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the City of Adam Planning Commission.

November 19th 2024

Date

Donna Boisseau

Chairperson City of Adams
Planning Commission

Approved and adopted by the City Board of Adams, Tennessee

11-19-24

Date

Robert Wayne Eason

Mayor of the City of Adams

Attested by:

Russie Phelps

City Clerk
Adams, Tennessee

Caption and Summary published in the The Connection on 9-17-2024.

PAGE INTENTIONALLY LEFT BLANK